SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1951

No. 111

JULIUS ROSENBERG AND ETHEL ROSENBERG,
PETITIONERS,

vs.

THE UNITED STATES OF AMERICA

No. 112

MORTON SOBELL, PETITIONER,

vs.

THE UNITED STATES OF AMERICA

PETITIONS FOR WRITS OF CERTIORARI AND EXHIBIT THERETO

VOL. I

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[fol. a]

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

UNITED STATES OF AMERICA

against

JULIUS ROSENBERG and ETHEL ROSENBERG, Appellants

STATEMENT UNDER RULE 15(b)

The indictment was returned on January 31, 1951 against Julius Rosenberg, Ethel Rosenberg, Morton Sobell, Anatoli A. Yakovlev, also known as "John", and David Greenglass (R. c, c-1, c-2, c-3). A severance was granted as to Anatoli A. Yakovlev (R. 10) and David Greenglass (R. 218), who pleaded guilty (R. 217).

The trial began before Judge Irving R. Kaufman in the Southern District of New York on March 6, 1951, and was continued on the 7th, 9th, 12th, 13th, 14th, 16th, 20th, 21st, 22nd, 26th, 27th, 28th, and 29th days of March 1951. Judgment was entered on April 5, 1951 (R. r, r-1, s, s-1). Appeal was taken on April 6, 1951 (R. v, v-1).

[fol. b] UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

UNITED STATES OF AMERICA

against

MORTON SOBELL, Appellant

STATEMENT UNDER RULE 15(b)

The indictment was returned on January 31, 1951 against Julius Rosenberg, Ethel Rosenberg, Morton Sobell, Anatoli A. Yakovlev, also known as "John", and David Greenglass (R. c, c-1, c-2, c-3). A severance was granted as to Anatoli A. Yakovlev (R. 10) and David Greenglass (R. 218), who pleaded guilty (R. 217).

The original indictment filed August 17, 1950, named as defendants Julius Rosenberg, Ethel Rosenberg, and Anatoli A. Yakovlev, also known as "John" (R. d, d-1, d-2, d-3). The first superseding indictment filed October 10, 1950, named as defendants Julius Rosenberg, Ethel Rosenberg, David Greenglass, Anatoli A. Yakovlev, also known as "John", and Morton Sobell (R. e, e-1).

The trial began before Judge Irving R. Kaufman in the Southern District of New York on March 6, 1951, and was continued on the 7th, 9th, 12th, 13th, 14th, 16th, 20th, 21st, 22nd, 26th, 27th, 28th, and 29th days of March 1951. Judgment was entered on April 5, 1951 (R. t, t-1). Appeal was taken on April 9, 1951 (R. w, w-1).

[fol. c] In United States District Court for the Southern District of New York

Superseding Indictment—Filed January 31, 1951

The Grand Jury charges:

1. On or about June 6, 1944, up to and including June 16, 1950, at the Southern District of New York, and elsewhere, Julius Rosenberg, Ethel Rosenberg, Anatoli A. Yakovlev, also known as "John", David Greenglass and Morton Sobell, the defendants herein, did, the United States of America then and there being at war, conspire, combine, confederate and agree with each other and with Harry Gold and Ruth Greenglass, named as co-conspirators but not as defendants, and with divers others presently to the Grand Jury unknown, to violate sub-section (a) of Section 32, Title 50, United States Code, in that they did conspire, combine, confederate and agree, with intent and reason to believe that it would be used to the advantage of a foreign nation, to wit, the Union of Soviet Socialist Republics, to communicate, deliver and transmit to a foreign government, to wit, the Union of Soviet Socialist Republics, and representatives and agents thereof, directly and indirectly, documents, writings, sketches, notes and information relating to the National Defense of the United States of America.

Overt Acts

1. In pursuance of said conspiracy and to effect the objects thereof, in the District of Columbia, on or about June [fol. c-1] 6, 1944, the defendant Julius Rosenberg visited a building at 247 Delaware Avenue, Washington, D. C.

2. And further in pursuance of said conspiracy and to effect the objects thereof, in the Southern District of New York, on or about November 15, 1944, the defendants Julius Rosenberg and Ethel Rosenberg conferred with Ruth Greenglass.

3. And further in pursuance of said conspiracy and to effect the objects thereof, in the Southern District of New York, on or about November 20, 1944, the defendant Julius Rosenberg gave Ruth Greenglass a sum of money.

4. And further in pursuance of said conspiracy and to effect the objects thereof, in the Southern District of New York, on or about November 20, 1944, Ruth Greenglass boarded a train for New Mexico.

5. And further in pursuance of said conspiracy and to effect the objects thereof, in the Southern District of New York, on or about December 10, 1944, the defendant Julius Rosenberg went to 266 Stanton Street, New York City.

6. And further in pursuance of said conspiracy and to effect the objects thereof, in the Southern District of New York, on or about December 10, 1944, the defendant Julius Rosenberg received from Ruth Greenglass a paper containing written information.

7. And further in pursuance of said conspiracy and to effect the objects thereof, in the Southern District of New [fol. c-2] York, on or about January 5, 1945, the defendants Julius Rosenberg and Ethel Rosenberg conferred with the defendant David Greenglass and Ruth Greenglass.

8. And further in pursuance of said conspiracy and to effect the objects thereof, in the Southern District of New York, on or about January 5, 1945, the defendant Julius Rosenberg gave Ruth Greenglass a portion of the side of a torn cardboard "Jello" box.

9. And further in pursuance of said conspiracy and to effect the objects thereof, in the Southern District of New York, on or about January 10, 1945, the defendant Julius

Rosenberg introduced the defendant David Greenglass to a man on First Avenue, New York City.

10. And further in pursuance of said conspiracy and to effect the objects thereof, in the Southern District of New York, on or about January 12, 1945, the defendant Julius Rosenberg conferred with the defendant David Greenglass.

11. And further in pursuance of said conspiracy and to effect the objects thereof, in the Southern District of New York, on or about January 12, 1945, the defendant Julius Rosenberg received from the defendant David Greenglass a paper containing sketches of experiments conducted at the Los Alamos Project.

12. And further in pursuance of said conspiracy and to [fol. c-3] effect the objects thereof, in the Southern District of New York, on or about January 14, 1945, the defendant David Greenglass boarded a train for New Mexico.

(Section 34, Title 50, United States Code.)

[fol. d] IN THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

JULIUS ROSENBERG, ETHEL ROSENBERG, and ANATOLI A. YAKOVLEV, also Known as "John", Defendants

INDICTMENT—Filed August 17, 1950

The Grand Jury charges:

1. On or about November 1, 1944, up to and including June 16, 1950, at the Southern District of New York, and elsewhere, Julius Rosenberg, Ethel Rosenberg, and Anatoli A. Yakovlev, also known as "John", the defendants herein, did, the United States of America then and there being at war, conspire, combine, confederate and agree with each other and with Harry Gold, David Greenglass, and Ruth Greenglass, named as co-conspirators but not as defendants, and with divers other persons presently to the Grand Jury unknown, to violate subsection (a) of Section 32, Title

50, United States Code, in that they did conspire, combine, confederate and agree, with intent and reason to believe that it would be used to the advantage of a foreign nation, [fol. d-1] to wit, the Union of Soviet Socialist Republics, to communicate, deliver and transmit to a foreign government, to wit, the Union of Soviet Socialist Republics, and representatives and agents thereof, directly and indirectly, documents, writings, sketches, notes and information relating to the National Defense of the United States of America.

Overt Acts

1. In pursuance of said conspiracy and to effect the objects thereof, in the Southern District of New York, on or about November 15, 1944, the defendants Julius Rosenberg and Ethel Rosenberg conferred with Ruth Greenglass.

2. And further in pursuance of said conspiracy and to effect the objects thereof, in the Southern District of New York, on or about November 20, 1944, the defendant Julius Rosenberg gave Ruth Greenglass a sum of money.

3. And further in pursuance of said conspiracy and to effect the objects thereof, in the Southern District of New York, on or about November 20, 1944, Ruth Greenglass boarded a train for New Mexico.

4. And further in pursuance of said conspiracy and to effect the objects thereof, in the Southern District of New York, on or about December 10, 1944, the defendant Julius Rosenberg went to 266 Stanton Street, New York City.

5. And further in pursuance of said conspiracy and to effect the objects thereof, in the Southern District of New York, on or about December 10, 1944, the defendant Julius [fol. d-2] Rosenberg received from Ruth Greenglass a paper containing written information.

6. And further in pursuance of said conspiracy and to effect the objects thereof, in the Southern District of New York, on or about January 5, 1945, the defendants Julius Rosenberg and Ethel Rosenberg conferred with David Greenglass and Ruth Greenglass.

7. And further in pursuance of said conspiracy and to effect the objects thereof, in the Southern District of New York, on or about January 5, 1945, the defendant Julius

Rosenberg gave Ruth Greenglass a portion of the side of a torn cardboard "Jello" box.

8. And further in pursuance of said conspiracy and to effect the objects thereof, in the Southern District of New York, on or about January 10, 1945, the defendant Julius Rosenberg introduced David Greenglass to a man on First Avenue, New York City.

9. And further in pursuance of said conspiracy and to effect the objects thereof, in the Southern District of New York, on or about January 12, 1945, the defendant Julius Rosenberg conferred with David Greenglass.

10. And further in pursuance of said conspiracy and to effect the objects thereof, in the Southern District of New York, on or about January 12, 1945, the defendant Julius Rosenberg received from David Greenglass a paper containing sketches of experiments conducted at the Los Alamos Project.

[fol. d-3] 11. And further in pursuance of said conspiracy and to effect the objects thereof, in the Southern District of New York, on or about January 14, 1945, David Greenglass boarded a train for New Mexico.

(Section 34, Title 50, United States Code.)

[fol. e] In the District Court of the United States for the Southern District of New York

[Title omitted]

Superseding Indictment—Filed October 10, 1950

The Grand Jury charges:

1. On or about November 1, 1944, up to and including June 16, 1950, at the Southern District of New York, and elsewhere, Julius Rosenberg, Ethel Rosenberg, Anatoli A. Yakovlev, also known as "John", David Greenglass and Morton Sobell, the defendants herein, did, the United States of America then and there being at war, conspire, combine, confederate and agree with each other and with Harry Gold and Ruth Greenglass, named as co-conspirators but not as

defendants, and with divers other persons presently to the Grand Jury unknown, to violate subsection (a) of Section 32, Title 50, United States Code, in that they did conspire, combine, *d*onfederate and agree, with intent and reason to believe that it would be used to the advantage of a foreign [fol. e-1] nation, to wit, the Union of Soviet Socialist Republics, to communicate, deliver and transmit to a foreign government, to wit, the Union of Soviet Socialist Republics, and representatives and agents thereof, directly and indirectly, documents, writings, sketches, notes and information relating to the National Defense of the United States of America.

Overt Acts

(Listing of eleven (11) overt acts identical with those listed in the indictment).

[fol. f] In the District Court of the United States for the Southern District of New York

[Title omitted]

Sobell Notice of Motion to Dismiss Indictment—November 14, 1950

Sirs:

Please take notice that upon the affidavit of Edward Kuntz, duly verified the 14th day of November, 1950, and upon all the proceedings heretofore had herein, the undersigned will move this Court, at a Motion Part for Criminal Causes thereof, to be held at the United States Court House, Foley Square, Borough of Manhattan, New York, N. Y., Room 318, on November 20, 1950 at 10:30 A.M. in the forenoon of that day, or as soon thereafter as counsel can be heard, for an order to dismiss or to quash the indictment herein on the ground that the contents thereof are vague and indefinite and on the further ground that it does not comply with the requirements of Rule 7, Subdivision (c) of the Federal Rules of Criminal Procedure which provides [fol. f-1] that the indictment shall be a written statement of the essential facts constituting the offense charged, and in

the alternative, for an order to inspect the minutes of the Grand Jury herein, and for such other and further relief as to this Court may seem just and proper.

Yours etc., Harold M. Phillips and Edward Kuntz, Attorneys for Defendant Morton Sobell. Office and P.O. Address, 258 Broadway, New York 7, N. Y.

Dated: New York, N. Y., November 14, 1950.

[fol. g] IN THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK

[Title omitted]

AFFIDAVIT OF EDWARD KUNTZ ON SOBELL MOTION TO DISMISS INDICTMENT

STATE OF NEW YORK,
County of New York, ss.:

EDWARD KUNTZ, being duly sworn, deposes and says:

I am one of the attorneys for the defendant Sobell herein, and as such I make this motion to dismiss the indictment as against the defendant Sobell, or if the Court denies the motion, then that such denial should be without prejudice and that this Court in the alternative grant an inspection of the minutes of the Grand Jury to determine if there was presented to that body any legal testimony or any legal evidence justifying the indictment.

In support of the motion I respectfully submit to the attention of this Court the following facts and circumstances:

[fol. g-1] The defendant Sobell was taken into custody on the 18th day of August, 1950 in the City of Laredo in the State of Texas upon a warrant for his arrest issued out of this Court. The warrant was procured upon the affidavit of one Rex I. Shroder, sworn to on August 3rd, 1950. A copy of the affidavit that was served on the said Sobell at the time of his arrest is annexed hereto and designated as "Affidavit of Rex I. Shroder."

As will be seen from a perusal of Shroder's affidavit, he is a Special Agent of the Federal Bureau of Investigation Department of Justice and he charges Sobell on information and belief with violating Section 32 of Title 50 United States Code in that between the dates of on or about July, 1944 and *continuously* thereafter (emphasis mine) up to and including July 16, 1950, in the Southern District of New York while the United States of America was at war he (Sobell) did combine, conspire, confederate, and agree with Julius Rosenberg and others unknown to Shroder to communicate, deliver, and transmit and to attempt to communicate and transmit to the foreign government to wit, the Union of the Soviet Socialist Republics and representatives and agents thereof "directly and indirectly documents, writings, sketches, notes relating to the national defense." The said Shroder in the said affidavit, on information and belief speaks of five "overt" acts "pursuant to the conspiracy and to the object thereof" namely five conversations, between defendant Sobell and defendant Rosenberg in Jan-[fol. g-2] uary and June 1946 and in February and July 1947 and in May, 1948, in the Southern District of New York.

Shroder in his affidavit *fails* to state what are the sources of his information beyond saying that they are "investigations made by me in the course of my official duties." Those investigations are clearly *not sources* of information; they rather are the *methods* by which he reached the "sources" of information. However, on that affidavit he secured a warrant and made the defendant Sobell his prisoner. Sobell waived extradition and accompanied his jailor to New York where he was placed by the United States Commissioner under -100,000.00 bail, in default of which Sobell was incarcerated in the Tombs Prison in New York City where he is still at this moment.

Later and on or about the 13th day of October, 1950 an indictment was handed down by the Grand Jury charging Sobell and others with the alleged crime set forth in the affidavit of Shroder using his identical language but omitting *any overt act whatsoever* on the part of Sobell, although enumerating eleven alleged overt acts by the other alleged co-conspirators with the exception of the one mentioned in the caption of the indictment as one Anatoli A. Yakovlev also known as "John."

A copy of the indictment is attached hereto and designated as "Indictment."

The mere recital of the foregoing shows conclusively that the indictment is vague and devoid of any statement of any [fol. g 3] *facts* to meet the requirements emphasized over and over again in numerous decisions both in this Court and in Courts of other circuits that the accused must be definitely informed by a statement of facts of the charges against him so that he may be enabled to present his defense and not be taken by surprise at the trial. I respectfully urge that an allegation that A, B, C, D, and E, beginning with a date six years ago and continuing up to this time conspired to commit a crime is not a statement of any fact; it is merely a conclusion on the part of the one that drew the charge. The word "Conspired" is the very crime that the indictment by a *statement* of *facts* should indicate that it took place.

In other words, to omit any recital of *facts* pointing to a conspiracy clearly is a failure to meet the requirements set forth in the Federal Rules of Criminal Procedure, Rule 7, Sub-division (c) thereof which reads as follows:

> (c) Nature and Contents. The indictment or the information shall be a plain, concise and definite written statement of the *essential facts* constituting the offense charged." (Italics mine)

I beg leave to emphasize particularly the words "essential facts," because those words make clear that there must be *facts* stated plainly, concisely, and definitely. What facts? Why, those facts constituting the offense charged, says the Rule. In other words, if the offense charged is conspiracy, the indictment must state the essential facts constituting conspiracy. At this juncture I deem it proper [fol. g 4] to advert to the affidavit of Shroder and to point out the odd circumstance that though Shroder swears in that affidavit to five overt acts on the part of defendant Sobell and though we do not know what took place in the Grand Jury room, we must conclude that Shroder (who had no qualms of conscience to make statements under oath upon which he procured a warrant and deprived Sobell of his liberty) either did not have the courage to come and

give proof of his charges under oath before the Grand Jury, or else that he did come before the Grand Jury and that his testimony was so worthless that in the indictment that testimony forms no part of the allegation of any overt act on the part of Sobell. The fact that overt acts *are* alleged against the *other* defendants in the indictment, but nothing of any kind against defendant Sobell, leaves the charge against Sobell, a mere naked statement that he with others committed the crime of conspiracy, without at the same time setting forth *one* minute *fact* from which the crime of conspiracy can be spelled out.

On the argument of this motion I shall ask leave to present a Memorandum of Law, which I believe will sustain my contention that the indictment is bad in substance and should be dismissed or quashed.

But, should this Court take a view of the indictment contrary to what is urged here, it is still true that the Court is given the absolute right to look into the minutes of the [fol. g-5] Grand Jury and in the exercise of its sound discretion, it may permit the defendant or his counsel to examine the minutes of the Grand Jury for the purpose of determining if the testimony brought to the attention of the Grand Jury contains the type of legal evidence of sufficient prima facie validity to justify the finding of the indictment.

Naturally, we are in no position to state just what took place before the Grand Jury, but it does seem reasonable to conclude, from the peculiar circumstances of this case, that a *blunder* was committed in arresting Sobell. That blunder originated basically in a sworn statement by a police officer who apparently was unable by oral testimony to sustain his glib affirmations in that affidavit, and hence the injustice done to the defendant in making him a prisoner under a warrant that would not have been issued if Shroder had not sworn as he did, merely on information and belief to allegations that are not based on facts.

I do hope that this case will not take the course of many others throughout history in which the authorities, that placed human beings in jeopardy of their lives and liberty and did so in consequence of a blunder refused to acknowledge that blunder and instead endeavored to bolster up

their accusations by every means in their power, and at times they even succeeded in their efforts.

Surely, it is right to urge upon the Court to exercise its [fol. g-6] discretion in a case where the wording of the indictment itself is so hazy and devoid of factual allegations and where the affidavit of overt acts is not sustained by the indictment, and where the indictment is silent as to any overt acts of this defendant, to find out if there is really a scintilla of legal proof to justify the finding of an indictment. A defendant in these United States is entitled to the constitutional guarantee of due process; and in a criminal case, the corner-stone of due process is a proper indictment containing facts based on legal proof.

Wherefore, I respectfully ask this Court for an order to quash or dismiss the indictment as against the defendant Sobell, or in the alternative, that the Court order an inspection of the Grand Jury minutes, and for such other and further relief as to this Court may seem just and proper.

Edward Kuntz.

Sworn to before me this 14 day of November, 1950. Claire Cohen, Commissioner of Deeds, New York City.

[fol. h] In the District Court of the United States for the Southern District of New York

[Title omitted]

Sobell Notice of Motion for Bill of Particulars—December 11, 1950

Sirs:

Please take notice that upon the annexed affidavit of Edward Kuntz, duly verified December 11, 1950, upon the indictment and upon the proceedings heretofore had herein, the undersigned will move this Court at a Motion Part for Criminal Causes thereof to be held at the United States Courthouse, Foley Square, Borough of Manhattan, New York City, Room 318, on December —, 1950, at 10:30 A. M. or as soon thereafter as counsel can be heard, for an order directing the United States of America, by its attor-

ney, to file a Bill of Particulars, pursuant to Rule 7(f) of the Federal Rules of Criminal Procedure, setting forth the following items of information:

[fol. h-1] A. Approximately the date when it is claimed that the defendant Sobell became a part of or party to the alleged conspiracy and the circumstances relating thereto.

B. Was the alleged conspiracy conducted by oral meetings of the defendant Sobell with other alleged conspirators and if so, approximately the dates when and the places where, and with whom those meetings took place?

C. Was the alleged conspiracy conducted by means of the written word, by telegram, or by cable, radio, or by any other sign or language, English or foreign, or by means of documents or writings; and if by any of these m-ans, please state so, furnishing information as to the medium and either furnish copies (photostats preferrable) wherever possible, or make them available to the defendant and his attorneys for inspection thereof.

D. Please state what act or acts were done by defendant Sobell to indicate that he entered into a conspiracy with the defendants, one or more of them, and or with persons unknown, to communicate, deliver and transmit to the Union of Soviet Republics and representatives and agents thereof any documents, writings, sketches, notes and information relating to the National Defense of the United States of America.

[fol. h-2] E. Please state what documents were the object of the conspiracy intended to be charged in the indictment.

F. Please state what writings were the object of the conspiracy intended to be charged in the indictment.

G. Please state what sketches were the object of the conspiracy intended to be charged in the indictment.

H. Please state what notes were the object of the conspiracy intended to be charged in the indictment.

I. Please state what information was the object of the conspiracy intended to be charged in the indictment.

J. Please furnish to the undersigned copies of the documents, and of the writings, and of the sketches, and of the notes, and of the information alleged in the indictment as the aim or purpose of the alleged conspirators to transmit to the foreign power mentioned in the indictment.

K. Such other and further relief as may be just and proper in the premises.

Yours, etc., Harold M. Phillips and Edward Kuntz, Attorneys for Defendant Morton Sobell, Office and P. O. Address 258 Broadway, Borough of Manhattan, New York 7, N. Y.

Dated: New York, N. Y., December 11, 1950.

[fol. h-3] To: Irving H. Saypol, Esq., U. S. Attorney, U. S. District Court, Foley Square, New York, N. Y.

[fol. i] IN THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW YORK

[Title omitted]

AFFIDAVIT OF EDWARD KUNTZ ON SOBELL MOTION FOR BILL OF PARTICULARS

STATE OF NEW YORK,
County of New York, ss.:

EDWARD KUNTZ, being duly sworn, deposes and says:

I am one of the attorneys for the defendant Morton Sobell, herein, and have been such since Sobell's arrival in New York on this charge.

The charge against our defendant is violation of Chapter 50, Section 22, sub-division (a) of the Laws of the United States and he was incarcerated in the Tombs Prison on or about August 22, 1950, and is still there under bail of One hundred thousand dollars.

This case has been set for trial to commence on the 4th day of January, 1951; and unless something unforeseen occurs, the trial will go under way on that day.

My associate attorney, Mr. Harold M. Phillips, and my-
[fol. i-1] self, who will try this case, considered that time was growing short and that it was necessary to look into the facts and circumstances for the purpose of being ready for trial when reached. When we examined the indictment and

studied every word, every comma and period, and every colon closely and carefully, insofar as the indictment relates to our client, Sobell, we were quite at a loss as to the path we should take in the interest of justice and fairness to our client because the harder and closer we studied the text of the indictment the less we found in the way of information as to specific acts to support the indictment as far as our client is concerned. The charge against our client is worded precisely as though it were copied from the text of the Statute; and under the language of the Statute countless circumstances and acts could be brought forth specifically which would fit into the generic charge. Therefore, at the present time, in the absence of information, we are in the position of being obliged to wait until the U. S. Attorney, during the trial, and in the trial, brings forth such evidence as may be available to him, but entirely unknown to us, and then for the first time, we would be obliged to scurry around in the hope of meeting such evidence.

Clearly, no attorneys for the defendant in a criminal charge, especially one of such magnitude as this one, should be placed in such a position and, therefore, I respectfully [fol. i-2] ask this Court, for what we consider a minimum of information to enable us to know what we may be required to meet in all fairness and justice.

The information that we desire is set out briefly in the notice of motion and we, therefore, respectfully ask this Court to make an order requiring the United States of America, by its attorney, to furnish replies to the questions contained in the notice of motion and to furnish such material as is requested in the notice of motion; and for such other and further relief as to this Court may seem meet and proper, for which no previous application has been made of any Judge or Court.

Edward Kuntz.

Sworn to before me this 11th day of December, 1950.
Philip Haber, Notary Public, State of New York.

[fol. j] ANSWERING OF MYLES J. LANE AFFIDAVIT ON SOBELL MOTION FOR BILL OF PARTICULARS

STATE OF NEW YORK,
County of New York,
Southern District of New York, ss.:

MYLES J. LANE, being duly sworn, deposes and says that:

1. I am the Chief Assistant United States Attorney for the Southern District of New York, and as such I am in charge of the above entitled matter.

2. This affidavit is submitted in opposition to a motion by the defendant Morton Sobell, dated December 11, 1950 for an order granting a bill of particulars.

3. The defendant Morton Sobell, together with the other defendants named above, was indicted on October 10, 1950 for a conspiracy to violate Section 32(a) of Title 50, United States Code. The defendants were charged with conspiring to communicate, deliver and transmit to the Union of Soviet Socialist Republics certain information and data relating to national defense. This indictment was one which superseded a previous indictment returned by a Federal Grand Jury for the Southern District of New York on August 17, 1950 against all of the defendants named above, with the exception of Sobell and one David Greenglass. Both indictments are identical with the exception of the inclusion [fol. j-1] of the names Sobell and Greenglass as defendants in the superseding indictment.

4. The primary purpose of an indictment is to apprise a defendant of the crime for the commission of which he is charged, and to inform him of the charge in detail sufficient to enable him to prepare his defense, and to describe the crime charged in detail sufficient to bar a subsequent prosecution for the same offense.

5. The facts set forth in the instant indictment are alleged with particularity sufficient to satisfy the two requisites set forth in paragraph 4 herein, and for this reason a bill of particulars should be denied.

6. The facts sought by the defendant in his bill of particulars are in essence and by their very nature evidentiary, and inasmuch as it is not the function, nor the office of a bill of particulars to require the Government to make a dis-

closure of its evidence before trial, the defendant's request is improper.

7. In request (J) of the defendant's moving papers he has improperly requested that he be furnished with copies of documents, writings, sketches, etc. It is respectfully submitted that such a request can be made only under Rule 16 of the Federal Rules of Criminal Procedure, and as a condition precedent to such a request the defendant must show that the documents "were obtained from or belonging to the defendant or obtained by others by seizure or process". The impropriety of such a request is highlighted by the fact [fol. j-2] that the moving papers are barren of any showing that the defendant has met the requirements enunciated by Rule 16 of the Federal Rules of Criminal Procedure.

8. The Court's attention is respectfully invited to the fact that a motion for a bill of particulars was made by the defendants Julius and Ethel Rosenberg in the original indictment dated August 17, 1950 which is, with the exception of the naming of two defendants, in all respects identical with the present indictment. The Honorable Edward Weinfeld, United States District Judge, in an opinion dated October 6, 1950 denied the Rosenberg motion for a bill of particulars.

In view of these premises your deponent respectfully requests that the motion of the defendant Sobell for a bill of particulars be denied.

(S.) Myles J. Lane.

Sworn to before me this 18th day of December, 1950. Daniel Tanenbaum, Notary Public, State of New York.

[fol. k] In United States District Court

[Title omitted]

Order re Sobell Motion for Bill of Particulars—December 29, 1950

The defendant, Morton Sobell, having moved for a bill of particulars, under Rule 7F.

Now, on reading and filing the notice of motion dated December 1, 1950, and the indictment in the above case,

and the affidavit of Edward Kuntz, duly sworn to December 11, 1950, all in support of said motion, and the answering affidavit of Myles J. Lane, duly sworn to December 18, 1950, in opposition thereto, and after hearing Edward Kuntz, one of the attorneys for the defendant Sobell in support of said motion, and Irving H. Saypol, Esq., United States Attorney (Myles J. Lane, of counsel) in opposition, and after due deliberation, it is hereby

[fol. k-1] Ordered, that the said motion is granted to the extent of directing the Government, and the Government is hereby so directed to file within ten (10) days a bill of particulars under Rule 7F, giving:

1. The approximate date it is claimed defendant Sobell joined the alleged conspiracy, and

2. The approximate dates it is claimed defendant Sobell participated in overt acts committed in pursuance of the alleged conspiracy.

Sylvester J. Ryan, U. S. D. J.

[fol. l] In United States District Court

Motion to re-Argue Sobell Order for Bill of Particulars

January 11, 1951

Upon the annexed affidavit of Myles J. Lane, Chief Assistant United States Attorney for the Southern District of New York, duly verified the 11th day of January, 1951, and upon all the proceedings heretofore had herein, namely, notice of motion of the defendant Morton Sobell, dated the 11th day of December, 1950, and the affidavit of Edward Kuntz, Esq., duly verified the 11th day of December, 1950, for an order for a bill of particulars and the reply affidavit of Myles J. Lane, duly verified the 18th day of December, 1950; the opinion of the Court by the Honorable Sylvester J. Ryan, United States District Judge, filed the 29th day of December, 1950, and an order granting a motion to suppress the evidence and to dismiss the indictment, signed on the 29th day of December, 1950 and filed the 2nd day of January, 1951, it is

Ordered that Morton Sobell show cause before a term of

this Court, held in Room 318, United States Court House, Foley Square, New York City, in the forenoon of January 15, 1951, at the opening of Court on that day, or as soon thereafter as counsel can be heard, why a reconsideration should not be had of the motion for a bill of particulars and upon reconsideration why an order should not be made [fol. l-1] vacating the order granting the bill of particulars; and it is

Further ordered that pending a hearing and determination upon this order to show cause, let the terms of the order signed by the Honorable Sylvester J. Ryan, United States District Judge, and entered in the United States District Court for the Southern District of New York on January 2, 1951, be stayed.

Further ordered that service of a copy of this order, together with the accompanying affidavit, be made upon defendant or his counsel on or before the 12th day of January, 1951.

Dated: New York, N.Y., January 11, 1951.

Henry W. Goddard, U. S. D. J.

[fol. m] IN UNITED STATES DISTRICT COURT

AFFIDAVIT OF MYLES J. LANE IN SUPPORT OF MOTION TO RE-ARGUE

STATE OF NEW YORK, COUNTY OF NEW YORK,
Southern District of New York, ss:

Myles J. Lane, being duly sworn, deposes and says:

1. That he is the Chief Assistant United States Attorney for the Southern District of New York, and is thoroughly conversant with the proceedings heretofore had in the above entitled action.

2. That this affidavit is made in support of a motion requesting the Court to reconsider an order made by United States District Judge Sylvester J. Ryan on January 2, 1951, granting a bill of particulars under Rule 7-F to the above named defendant Morton Sobell, to the extent of directing the Government to give the approximate date when it is

claimed the defendant Sobell joined the alleged conspiracy and the approximate dates it is claimed defendant Sobell participated in overt acts committed in pursuance of the alleged conspiracy.

3. The defendant Morton Sobell, together with the other defendants named above, was indicted on October 10, 1950 for a conspiracy to violate Section 32(a) of Title 50, United States Code. The defendants were charged with conspir- |fol. m-1| ing to communicate, deliver and transmit to the Union of Soviet Socialist Republics certain information and data relating to national defense. This indictment was one which superseded a previous indictment returned by a Federal Grand Jury for the Southern District of New York on August 17, 1950 against all of the defendants named above, with the exception of Sobell and one David Greenglass. Both indictments are identical with the exception of the inclusion of the names of Sobell and Greenglass as defendants in the superseding indictment.

4. The indictment as it is drawn apprises the defendant Sobell of the crime of which he is charged and informs him of the alleged crime in detail sufficient to enable him to prepare his defense.

5. The particulars which Judge Ryan has directed the Government to furnish to the defendant Sobell is tantamount to giving Sobell a complete blueprint of the Government's evidence against him. The Court in effect is requiring the Government to set forth the date of every single act which Sobell has performed in furtherance of the conspiracy for as long a period as he was connected with the said conspiracy. As this Court has so frequently held and as the United States Supreme Court has reiterated time and time again, this is neither the function nor the purpose of a bill of particulars.

6. In any conspiracy indictment the Government is re- |fol. m-2| quired to set forth and prove only one overt act. The law is well settled in this respect and it is also well settled that the Government is never required to set forth overt acts involving every defendant involved in the conspiracy. The effect of Judge Ryan's decision is to force the Government not only to allege an overt act with respect to Sobell but to set forth multitudinous acts of Sobell. In

this respect the decision of Judge Ryan is contrary to every principal of law respecting an indictment.

7. Because of the very nature of this case additional evidence is constantly coming to the attention of the Government respecting additional acts performed by Sobell during the course of the conspiracy. It is safe to assume that during the future weeks prior to the trial additional evidence of further overt acts by Sobell will come to the attention of the Government. In the light of this fact the net result of Judge Ryan's decision will be to limit the Government in its proof at the trial and in this respect it will seriously hamper the prosecution of the case.

8. There is no obligation on the part of the Government to set forth each and every overt act performed by a conspirator during the course of a conspiracy, nor is it encumbent upon the Government to prove each and every overt act performed by a conspirator during the course of the conspiracy. The discretion with respect to what evi-[fol. m-3] dence the Government intends to present at a trial is the sole responsibility of the United States Attorney who is in charge of the prosecution.

9. In view of the fact that it is not encumbent upon the Government to allege and prove any more than one overt act, the facts sought by the defendant Sobell in his bill of particulars with respect to other overt acts which may have been committed by him during the course of the conspiracy are in essence and by their nature evidentiary, inasmuch as it is not the function nor the purpose of a bill of particulars to require the Government to make a disclosure of its evidence before trial, the defendant's request and the bill which was granted in conformance therewith is improper and may very well result in a grave injustice to the Government.

Wherefore, it is respectfully requested that this Court order the defendant Morton Sobell to show cause why a reconsideration should not be had with respect to the motion for a bill of particulars and upon such reconsideration why an order should not be made vacating the order granting the bill of particulars and denying the motion heretofore made for this bill of particulars, and that pending the hearing and determination on this order to show cause it is

respectfully requested that the order of Judge Sylvester J. Ryan be stayed pending the determination of this proceeding.

Myles J. Lane.

Sworn to before me this 11th day of January, 1951. Daniel Tanenbaum, Notary Public, State of New York.

[fol. n] IN UNITED STATES DISTRICT COURT

AFFIDAVIT OF HAROLD M. PHILLIPS IN OPPOSITION TO MOTION TO REARGUE

STATE OF NEW YORK,
County of New York, ss:

Harold M. Phillips, being duly sworn, deposes and says:

He is one of the attorneys for the defendant Morton Sobell and he makes this affidavit in opposition to the affidavit of Myles J. Lane, Esq., submitted in support of a motion to reargue the motion heretofore decided by United States District Judge Sylvester J. Ryan who granted the motion and ordered the service of a bill of particulars by the United States of America.

I respectfully submit that there is nothing in the affidavit of the said Myles J. Lane, Esq. which contains the elements required in a motion to reargue, especially, to reargue a motion addressed to the discretion of the Court such as one for a bill of particulars. The said affidavit of Mr. Lane does not point out what element of law was overlooked by Judge Ryan. It does not contain any new matter that arose since the making of a motion for a bill of particulars, nor does it point out what elements were overlooked by Judge Ryan.

[fol. n-1] The motion was made either on the last day or two days after the date when the bill of particulars should have been served. The longer the delay in serving the bill, the more the defendant will be handicapped in the preparation of his defense. Naturally, we must assume that the United States Attorney realizes that the delay is injurious

to the rights of the defendant Sobell and it is, therefore, hoped that any further delay will be avoided.

I respectfully submit that the motion to reargue should be denied.

Harold M. Phillips.

Sworn to before me this 15th day of January, 1951. Claire Cohen, Commissioner of Deeds, New York City.

[fol. o] IN UNITED STATES DISTRICT COURT

AMENDED ORDER FOR BILL OF PARTICULARS—January 24, 1951

The United States of America, by Irving H. Saypol, the United States Attorney for the Southern District of New York, having moved this Court for an order why a reconsideration should not be had of a previous motion of the defendant Morton Sobell for a bill of particulars and why an order should not be made vacating the previous order of the Honorable Sylvester J. Ryan, United States District Judge, signed December 29, 1950 and filed in the United States District Court for the Southern District of New York, on January 2, 1951, granting the bill of particulars in connection with the indictment herein, and said motion having duly come on to be heard on January 15, 1951 before the Honorable Sylvester J. Ryan, United States District Judge, and upon the affidavit of Myles J. Lane, Chief Assistant United States Attorney, in support of said motion and an answering affidavit in opposition to the motion having been submitted therein and after hearing Irving H. Saypol, United States Attorney for the Southern District of New York, by Myles J. Lane, Chief Assistant United States Attorney, attorney for the United States of America, in support of the motion and Harold M. Phillips, Esq. and Edward Kuntz, Esq., attorneys for the defendant Morton Sobell, in opposition thereto; and on the memorandum decision of Honorable [fol. o-1] Sylvester J. Ryan, United States District Judge, dated January 15, 1951;

Now, on motion of Irving H. Saypol, United States Attorney for the Southern District of New York, attorney for the United States of America, it is

Ordered and Adjudged that reargument of the said motion is granted and it is further

Ordered and Adjudged that the order for the bill of particulars which was granted on December 29, 1950 be modified to the extent of limiting item 2 of the bill of particulars to requiring the Government to state whether they still charge the defendant Sobell with the commission of the overt acts set forth in the complaint before the United States Commissioner; and it is further

Ordered and Adjudged that the bill of particulars be served within five days after the entry of this order and that such particulars are granted only to the extent that they are known to the prosecution when the bill of particulars shall be served; and it is further

Ordered and Adjudged that in all other respects the motion of the United States of America is denied.

Dated 1 24 51.

Sylvester J. Ryan, U. S. D. J.

[fol. p] In United States District Court

Bill of Particulars Re Morton Sobell

United States of America, for its bill of particulars, by Irving H. Saypol, Esq., United States Attorney for the Southern District of New York, alleges as follows:

1. The approximate date when the defendant Sobell joined the alleged conspiracy is on or about June 15, 1944.

2. The Government still charges the defendant Sobell with the commission of the overt acts set forth in the complaint before the United States Commissioner, sworn to on August 3, 1950, on the approximate dates set forth in the aforesaid complaint.

Respectfully submitted, Irving H. Saypol, United States Attorney for the Southern District of New York, Attorney for United States of America.

To Harold M. Phillips, Esq. and Edward Kuntz, Esq., Attorneys for Defendant Morton Sobell, Office and P. O. Address: 258 Broadway, New York 7, N. Y.

[fol. q] In United States District Court

Complaint August 3, 1950

Affidavit of Rex I. Shroder

Approved: Myles J. Lane, Chief Assistant U. S. Attorney

Before: Honorable Edward W. McDonald, United States Commissioner, Southern District of New York

United States of America

v.

Morton Sobell

Complaint

Violation Title 50, Section 31, U. S. C. (1946 edition)

Southern District of New York, ss.

Rex I. Shroder, being duly sworn, deposes and says that he is a Special Agent of the Federal Bureau of Investigation, Department of Justice, and, upon information and belief, alleges and charges as follows:

That from on or about July of 1944, and continuously thereafter, up to and including July 16, 1950, in the Southern District of New York, Morton Sobell, the defendant herein, did, the United States of America being then and there at war, combine, conspire, confederate and agree with Julius Rosenberg and others to deponent unknown to violate Section 32 (a) of Title 50, United States Code, in that they did combine, conspire, confederate and agree with intent and reason to believe that it would be used to the advantage of a foreign nation, to wit, the Union of Soviet Socialist Republics, to communicate, deliver, and transmit, and attempt to communicate, deliver and transmit to a foreign Government, to wit, the Union of Soviet Socialist Republics, and representatives and agents thereof, directly and indirectly, documents, writings, sketches, notes and information relating to the national defense of the United States, to wit, documents, writings, sketches, notes and information relating to national defense.

[fol. q 1] Pursuant to the said conspiracy and to effect

the object thereof, the defendant and co-conspirators did commit, among others, the following overt acts:

1. In January, 1946, the defendant Sobell had a conversation with Julius Rosenberg at the Southern District of New York.
2. In June, 1946, the defendant Sobell had a conversation with Julius Rosenberg at the Southern District of New York.
3. In February, 1947, the defendant Sobell had a conversation with Julius Rosenberg at the Southern District of New York.
4. In July, 1947, the defendant Sobell had a conversation with Julius Rosenberg at the Southern District of New York.
5. In May, 1948, the defendant Sobell had a conversation with Julius Rosenberg at the Southern District of New York: in violation of Section 34, Title 50, United States Code (1946 Edition).

The sources of deponent's information and the grounds of his belief are investigations made by him in the course of his official duties.

Wherefore, deponent prays that a warrant may issue for the apprehension of the above-named defendant and that he may be arrested and imprisoned or bailed, as the case may be.

Rex I. Shroder.

Sworn to before me this 3rd day of August, 1950.
Edward McDonald, U. S. Commissioner, S. D. of N. Y.

[fol. r] UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

JULIUS ROSENBERG

JULIUS ROSENBERG JUDGMENT AND COMMITMENT—April 5, 1951

On this 5th day of April, 1951 came the attorney for the government and the defendant appeared in person and by counsel,

It Is Adjudged that the defendant has been convicted upon his plea of not guilty and a verdict of guilty of the offense of conspiracy, with intent and reason to believe that it would be used to the advantage of a foreign nation, to wit, the Union of Soviet Socialist Republics, to communicate, deliver and transmit to a foreign government, to wit, the Union of Soviet Socialist Republics, and representatives and agents thereof, directly and indirectly, documents, writings, sketches, notes and information relating to the National Defense of the United States, while the United States of America was then and there at war. Title 50 Section 34, United States Code as charged. And the court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the court.

[fol. r-1] It Is Adjudged that the defendant is guilty as charged and convicted.

It Is Ordered and Adjudged that the said defendant, Julius Rosenberg, for the crime by him committed and upon the verdict of the jury in this court, during the week commencing May 21, 1951 be by the United States Marshal for the Southern District of New York executed until dead and the said punishment of death shall be inflicted in the manner and form as provided by the statutes of the United States of America, and in conformity and in compliance with the manner described by the laws of the State of New York.

It Is Ordered and Adjudged that the defendant, Julius Rosenberg, be and he hereby is committed to the custody of the Attorney General or his authorized representative for appropriate detention pending execution of the sentence by the United States Marshal in accordance with the provisions of Section 3566, Title 18, United States Code.

It Is Ordered that the Clerk deliver a certified copy of this judgment and commitment to the United States Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

Irving R. Kaufman, United States District Judge.

U. S. District Court, S. D. of N. Y.
Filed April 5, 1951.
Approved. Irving H. Saypol, U. S. Attorney. 4/5/51.

[fol. s] UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

ETHEL ROSENBERG

ETHEL ROSENBERG JUDGMENT AND COMMITMENT—April 5, 1951

On this 5th day of April, 1951 came the attorney for the government and the defendant app-ared in person and by counsel,

It Is Adjudged that the defendant has been convicted upon her plea of not guilty and a verdict of guilty of the offense of conspiracy, with intent and reason to believe that it would be used to the advantage of a foreign nation, to wit, the Union of Soviet Socialist Republics, to communicate, deliver and transmit to a foreign government, to wit, the Union of Soviet Socialist Republics, and representatives and agents thereof, directly and indirectly, documents, writings, sketches, notes and information relating to the National Defense of the United States, while the United States of America was then and there at war.

Title 50 Section 34, United States Code as charged. And the court having asked the defendant whether she has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the court,

[fol. s-1] It Is Adjudged that the defendant is guilty as charged and convicted.

It Is Ordered and Adjudged that the said defendant, Ethel Rosenberg, for the crime by her committed and upon the verdict of the jury in this court, during the week commencing May 21, 1951 be by the United States Marshal for the Southern District of New York executed until dead and the said punishment of death shall be inflicted in the manner and form as provided by the statutes of the United States of America, and in conformity and in compliance with the manner described by the laws of the State of New York.

It Is Ordered and Adjudged that the defendant, Ethel Rosenberg, be and she hereby is committed to the custody of the Attorney General or his authorized representative for appropriate detention pending execution of the sentence by the United States Marshal in accordance with the provisions of Section 3566, Title 18, United States Code.

It Is Ordered that the Clerk deliver a certified copy of this judgment and commitment to the United States Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

Irving R. Kaufman, United States District Judge.

U. S. District Court, S. D. of N. Y.
Filed April 5, 1951.
Approved. Irving H. Saypol, U. S. Attorney. 4/5/51.

[fol. t] UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

MORTON SOBELL

SOBELL JUDGMENT AND COMMITMENT—April 5, 1951

On the 5th day of April, 1951 came the attorney for the government and the defendant appeared in person and by counsel

It is adjudged that the defendant has been convicted upon his plea of not guilty and a verdict of guilty of the offense of Conspiracy, with intent and reason to believe that it would be used to the advantage of a foreign nation, to wit, the Union of Soviet Socialist Republics, to communicate, deliver and transmit to a foreign government, to wit, Union of Soviet Socialist Republics, and representatives and agents thereof, directly and indirectly, documents, writings, sketches, notes and information relating to the National Defense of the U. S. while the United States of America was then and there at war. T50 Sec. 34 U. S. Code as charged, and the court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being [fol. t-1] shown or appearing to the Court,

It is adjudged that the defendant is guilty as charged and convicted.

It is adjudged that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of Thirty (30) years.

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the United States Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

U. S. District Court, S. D. of N. Y. Filed April 5, 1951.

Irving R. Kaufman, United States District Judge.

Approved. Irving H. Saypol, U. S. Attorney. 4/5/51.

[fol. u] AFFIDAVIT OF SOBELL IN ARREST OF JUDGMENT

STATE OF NEW YORK,
County of New York, ss:

Morton Sobell, being duly sworn, deposes and says:

I am one of the defendants herein and I make this affidavit in the interest of justice and in furtherance of my rights as an American born and brought up in this country.

On Wednesday, August 16, 1950 at about 8:00 P. M. we had just finished our dinner in our apartment in Mexico City in the United States of Mexico, and while my wife and I were lingering over our coffee there was a knock on the door. My older daughter opened the door and three men burst into the room with drawn guns and bodies poised for shooting; these men did not ask my name, did not say what they wanted. I demanded to see a warrant, or some other legal process. No reply, except some vague charge that I was one "Johnny Jones" and that I robbed a bank in Acapulco in the sum of $15,000.00 was made. Of course, I vehemently denied the charge and tried to show them my papers, visas, etc., to prove that I was no bank robber.

One of the men showed a piece of metal in his hand and [fol. u-1] said they were police. They were dressed in civilian clothes. A fourth man came later. He also was in civilian clothes.

Only about 10 minutes lapsed from the time that they came till they hustled me out, and that was after I insisted on calling the American Embassy; but without being permitted to do so.

They picked me up bodily and carried me down from the fourth floor to the ground floor. In the street I kept shouting for the police. A taxi was hailed and they opened the door; tried to force me into the taxi; when two more men came in and beat me over the head with black jacks until I lost consciousness. I woke up in the taxi and I was stretched horizontally at the feet of the three men.

When the car stopped in front of a building, they ordered me to get up; they told me to get into the building, but not to make a scene or they would plug me. We walked to the elevator; we went upstairs, and, we went into an office.

They sat me down and a slim, tall, dark man came over; he looked at me. I asked him what it was all about: He slapped me in the face and told me that *they* were the ones that were *asking* questions. At that point I discovered that my head was bloody and my shirt bespattered with blood. [fol. u-2] However, they asked me no questions, but they photographed me in several poses. We spent in that building from approximately 8:30 P. M. till 4:00 A. M. At 12:00 midnight, they offered me something to eat; but I had no appetite for food. During all the time no one questioned me. Some persons who identified themselves as officers to guard me chatted with me but expressed ignorance of the reason I was there.

At 4:00 A. M. I was moved into a large four door Packard and seated in the rear with two armed men, one on each side of me. At that moment, the same tall thin man came to the door and spoke to my guards in *English* saying to them "if he makes any trouble, shoot him."

The driver of the car, who apparently was the leader of the expedition, and who answered to the name of "Julio" told me that they were taking me to the Chief of the Mexican police for further action. With a number of stops for one reason or another, we drove on till about 6:00 P. M. At that time Julio tried to make a phone call, or he did make one, and he told me that he was trying to get the Chief of Police. The same thing happened at about 10:00 P. M., and at midnight, on August 17th, telling me that he was trying to make sure that the Chief of Police would be available. [fol. u 3] At about 1:30 we arrived at Nueva Lorado, we stopped in front of a building, and Julio went into the building and returned in about ten minutes and told me that he had spoken to the Chief and that the Chief told him to take me across the border and let me go.

We stopped at the Mexican customs on the Mexican side of the bridge, across the Rio Grande marking the border. No examination was made of my baggage and then we waited around in the car for about ten minutes. Julio returned and we started onward. When we reached the bridge, which as heretofore stated marks the boundary between the U. S. A. and Mexico, our car was flagged. We stopped and the front door opened. A man entered with

a badge in his hand and stated that he was a United States agent and he remained in the car. When we arrived at the United States Customs I was directed to sign a card after they searched my baggage and myself. They handcuffed me and placed me in jail where I remained for five days, after which time I was taken to New York City.

Morton Sobell.

Sworn to before me this 4th day of April, 1951. Sol Paikin, Commissioner of Deeds, New York City. Residing in Bronx City. New York County Clerk's No. 40. Commission expires Sept. 28, 1952.

[fol. v] IN UNITED STATES DISTRICT COURT

ROSENBERGS' NOTICE OF APPEAL—April 6, 1951

Name and address of appellants: Julius Rosenberg, care of Federal House of Detention, West Street and West Eleventh Street, New York City, New York; and Ethel Rosenberg, care of Women's House of Detention, 10 Greenwich Avenue, New York City, New York.

Name and address of appellants' attorney: Emanuel H. Bloch, 270 Broadway, New York 7, New York.

Offense: Conspiracy to commit espionage in violation of the "Espionage Act" (Section 794, Title 18 of the Criminal Code, formerly Section 32(a), Title 50, United States Code, and Section 34, Title 50, United States Code).

Concise statement of judgment or order, giving date, and any sentence: Judgment of Conviction, dated and entered April 5, 1951, by which it was adjudged that the appellants have been convicted upon their plea of not guilty and a verdict of guilty by a jury of the offense mentioned above as charged in the one count and by which it was further adjudged that the above named appellants be committed to the custody of the Attorney General or his authorized representative, to be punished by death, execution of which is to be carried out by the U. S. Marshal for the Southern District of N. Y. on the week of May 21, 1951, and an Order

denying motion for new trial and arrest of judgment, made [fol. v-1] April 5, 1951.

Name of institution where now confined: Julius Rosenberg is now confined in the Federal House of Detention, West Street and West Eleventh Street, Borough of Manhattan, New York City. Ethel Rosenberg is now confined in the Women's House of Detention, 10 Greenwich Avenue, Borough of Manhattan, New York City.

We, the above named appellants, hereby appeal to the United States Court of Appeals for the Second Circuit from the above stated judgment and the order denying the motion of the appellants for a new trial and an arrest of judgment.

Emanuel H. Bloch, Attorney for Appellants.

Dated, New York City, New York, April 6, 1951.

[fol. w] In United States District Court

Sobell Notice of Appeal—April 9, 1951

Name and address of appellant: Morton Sobell, care of City Prison, in the Tombs, 125 White Street, Borough of Manhattan, City of New York.

Name and address of appellant's attorneys: Harold M. Phillips and Edward Kuntz, 258 Broadway, New York 7, N. Y.

Offense: Conspiracy to commit espionage in violation of the "Espionage Act" (Section 794, Title 18 of the Criminal Code, formerly Section 32 (a), Title 50, United States Code, and Section 34, Title 50, United States Code).

Concise statement of judgment or order, giving date, and any sentence: Judgment of Conviction, dated and entered April 5, 1951, by which it was adjudged that the appellant has been convicted upon his plea of not guilty and a verdict of guilty by a jury of the offense mentioned above as charged in the one count and by which it was further adjudged that the above named appellant be committed to the custody of the Attorney General or his authorized representative, for imprisonment for a period of Thirty (30) years, and an

Order denying motion for new trial and arrest of judgment, made April 5, 1951.

Name of institution where now confined: City Prison, [fol. w-1] in the Tombs, 125 White Street, Borough of Manhattan, City of New York.

I, the above named appellant, hereby appeal to the United States Court of Appeals for the Second Circuit from the above stated judgment and the order denying the motion of the appellant for a new trial and an arrest of judgment.

Harold M. Phillips and Edward Kuntz, Attorneys for Appellant.

Dated: New York, N. Y. April 9, 1951.

[fol. 1] United States District Court Southern District of New York

C. 134-245

United States of America

vs.

Julius Rosenberg, Ethel Rosenberg, Anatoli A. Yakovlev, also known as "John", David Greenglass and Morton Sobell

Statement of Evidence

Before: Hon. Irving R. Kaufman, D.J., and a Jury

New York, March 6, 1951; 10:30 o'clock a.m.

Appearances

Irving H. Saypol, Esq., United States Attorney, and Myles J. Lane, Esq., Roy M. Cohn, Esq., John M. Foley, Esq., James B. Kilsheimer, III, Esq., and James E. Branigan, Jr., Esq., Assistant United States Attorneys, for the Government.

Emanuel H. Bloch, Esq., Attorney for Julius Rosenberg.

Alexander Bloch, Esq., Attorney for Ethel Rosenberg.

O. John Rogge, Esq., Attorney for David Greenglass.

[fol. 2] Harold M. Phillips, Esq., and Edward Kuntz, Esq., Attorneys for Morton Sobell.

(The Court hears prospective jurors who wish to be excused.)

The Court: May I say to the ladies and gentlemen of this panel that I am sure that those of you who are asking to be excused are doing so in good faith, but I again ask you to bear in mind that as citizens of this country you owe a duty wherever possible to serve as jurors when called upon to serve as jurors. Please bear that in mind.

(The Court hears further prospective jurors who wish to be excused.)

The Court: May I say to the ladies and gentlemen again who are asking to be excused that of course I realize that jury service is an inconvenience. We are all inconvenienced while we are here, but again I say that if justice is going to flourish, you and I and all of us are part of the American system of Jurisprudence and you must make some sacrifices to see that that system flourishes.

(The Court continues to hear prospective jurors who wish to be excused.)

[fol. 3] Colloquy Between Court and Counsel

The Court: Gentlemen, I take it both sides are ready.

Mr. Saypol: Yes.

The Court: United States v. Julius Rosenberg, et al. Both sides ready?

Mr. Saypol: I think the indictment should be called and I would then move the case for trial. May the case be called?

The Court: Yes.

(The clerk calls the case.)

Mr. Saypol: The District Attorney moves the case for trial and is ready to proceed.

Mr. A. Bloch: The defendants are ready to proceed.

Mr. Saypol: May the record show the presence of the defendants and their counsel?

The Court: Yes.

Mr. Rogge: May it please the Court, my name is O. John Rogge. I represent David Greenglass. I also represent on the list of Government's witnesses——

Mr. Saypol: Will you suffer an interruption, Mr. Rogge, please?

Mr. Rogge: Yes.

Mr. Saypol: This is procedural and I do not know what will emerge in the discussion and in view of the fact that [fol. 4] there is a panel of jurors present, perhaps it should be discussed at the bench.

The Court: I think that is probably a good idea.

Mr. Saypol: Yes.

The Court: Either that or you can hold it until we impanel the jury.

Mr. Saypol: It is not imminent. I think it can hold.

The Court: Is it a subject that can hold, Mr. Rogge?

Mr. Rogge: I would like to come to the bench, if your Honor please.

Mr. Saypol: Very well.

The Court: All right.

(The following discussion took place at the bench.)

Mr. Rogge: As I have previously indicated to the Government I represent four people. I have only named two of them, David Greenglass and Ruth Greenglass, his wife. I also represent Mr. and Mrs. Elitcher, if and when they are called as witnesses and they are willing to answer to the extent of their knowledge any questions that may be put to them.

I would like with the Court's permission to make an [fol. 5] arrangement with counsel that if and when these four named individuals are called——

Mr. Saypol: Whom are you speaking of now, if you will suffer an interruption, Mr. Rogge? The two Greenglasses and who else?

Mr. Rogge: Mr. and Mrs. Elitcher.

Mr. Saypol: Do you represent them, too?

Mr. Rogge: Yes; if and when they are called as witnesses I ask that I be notified so that I may be in attendance and that at all other times I may be excused from attendance in the case.

Mr. Saypol: The question of Mr. Rogge's attendance I take it is a matter of discretion for the Court. I have no objection to it. The question of notifying him is a matter of convenience and we will try to tell him.

The Court: All right. Also, Mr. Rogge, you are a very busy lawyer; let us assume that the Government is ready to call them and you happen to be out of town or something of that character. Will someone from your office ——

Mr. Rogge: Yes. If someone from my office is not available—I will add this: If I can't be available myself or someone else from my office, the trial may go ahead.

[fol. 6] Mr. Saypol: There are only two questions, if they are questions: First, the question of violating any possible direction of the Court that all of the witnesses be excluded: I take it in that respect the defendant Greenglass, even though he has pleaded, nevertheless he has a right to have his counsel present. As far as the witnesses are concerned, I doubt that counsel would have a right to inject himself into any proceedings that may transpire. Nevertheless I would have no objection.

Mr. Rogge: That is agreeable.

Mr. E. H. Bloch: There is one thing that bothers me a little bit. Amongst the list of witnesses are the names of Mr. Rogge and one of his associates. If I am right in assuming that the Court is going to follow the usual practice of excluding all witnesses from the court there necessarily would be an exception made if Mr. Rogge were permitted to be present while his client Mr. Greenglass as well as Mr. Greenglass' wife and the other two witnesses he mentioned were testifying.

Mr. Rogge: I am asking for that.

Mr. E. H. Bloch: I would just like to state this: What I surmise about the way the case is going to shape up is that I think one of the important elements will be the credibility of the Greenglasses, and in connection with trying to im-

[fol. 7] peach their credibility my client's rights may be jeopardized if you are permitted to stay here in the court because there may be—I am not at all sure of this and I am making no accusations or implications in what I say—discrepancies between your testimony and the testimony of your clients, especially in terms of whether any promises

were held out to your client by the Government authorities, whether any immunity was granted either directly or indirectly.

Now that is what is bothering me, your Honor, and the more I think of it, the thought is germinating in my own mind, I honestly feel that Mr. Rogge's presence might be prejudicial.

Mr. Rogge: If your Honor please, it is in your Honor's discretion. I am a member of the bar of this court. I represent David Greenglass and I ask your Honor if you do rule that witnesses are to be excluded that I nevertheless — on these four people I represent and especially David Greenglass who is named as a defendant in the case, that I be permitted as his counsel to be in attendance.

The Court: I think I get your point, Mr. Bloch. However, it is really not of great significance for this reason: What you are concerned about is that Mr. Rogge who may be called as a witness will have listened to the testimony and [fol. 8] therefore be able to have his testimony jibe with that of the witnesses. Even though he were excluded it can be done anyway. All he would have to do was to send a representative to sit in the back of the courtroom.

Mr. E. H. Bloch: I think from a pragmatic viewpoint your Honor is right, but I wanted to articulate my worry about the matter.

The Court: I get your worry, but I think you will agree with me.

Mr. Saypol: I don't think it approaches the point of substantiality. Mr. Rogge is a member of the bar. The question is one entirely in the discretion of the Court. There have been instances where a direction of that kind has been violated. At most it has been held to be contemptuous and does not affect the merits. There are cases where the Court, as I expect in this case, permit the agents in the case who have investigated it to remain in the court.

The Court: Yes.

Mr. Saypol: I take it that that is on the basis that they are men of integrity who have taken an oath, and I think the same applies to a member of the bar.

Mr. E. H. Bloch: I think the more I think of it, the more I realize that my very reservation might cast some

[fol. 8-A] doubt on the conduct of Mr. Rogge and I don't want that implication to be left on the record. I will say this: The more I think of it the more I am inclined to withdraw any objection I may have.

The Court: All right. Let us go.

(The following proceedings were had in the presence of the panel.)

[fol. 9] Mr. Saypol: I take it I may proceed then, if the Court please? I have certain motions to make.

The Court: All right.

Mr. E. H. Bloch: If the Court pleases, will you suffer an interruption for one moment? As I disclosed to the Court the other morning, I also have a motion addressed to the indictment.

The Court: Well, I don't want you to make it in the presence of the panel. I would rather have you hold it and it can be held until after the jury is selected. You will then make your motion outside the presence of the jury, and I will rule on it.

Mr. E. H. Bloch: Well, will the Court permit my motion to be made now outside the jury's presence, because my motion goes to the heart of the indictment, and if granted by the Court there will be no necessity to impanel the jury. I think the Court did that in one other case recently, and I am going to ask for the same procedure.

The Court: Well, will it take you very long to make your motion?

Mr. E. H. Bloch: I would like to elaborate on one point. There are three points.

The Court: I think it makes no difference, it really makes no difference. It is just by mere chance that it was done in that fashion there.

[fol. 10] Mr. Saypol: There is this difference between us. Mr. Bloch's motion is on the merits. I address myself to the procedural merits.

The Court: I am not talking about your motion. He is talking about the fact that that was done in another case prior to the impanelment of the jury. There was, if you remember, a mere pro forma motion made at the bench and I reserved decision and we proceeded.

Mr. E. H. Bloch: That is correct. This is not a pro forma motion. I am advancing it in the most seriousness, and I suppose under rule 12, the motion that I am making, attacking the jurisdiction of the Court and the validity of the indictment, is reserved to the defendants, to be made at any time.

The Court: Right.

Mr. E. H. Bloch: And "at any time", I assume, includes at the beginning of a trial, when the case is called for trial.

The Court: The Court may entertain it at any time.

Mr. E. H. Bloch: Yes, that is correct.

The Court: I will entertain it after we impanel the jury.

MOTION TO SEVER AND GRANTING THEREOF

Mr. Saypol: The Government will move to sever as to the defendant Anatoli A. Yakovlev.

The Court: Motion granted.

[fol. 11] Mr. Saypol: The record should state, as required by the Federal Rules of Criminal Procedure and the statute——

The Court: Before you go into that, apparently from something that was said by Mr. Rogge here this morning, Mr. Greenglass is not standing trial also.

Mr. Saypol: I would rather reserve that and make a motion in that respect, or address myself to that in the absence of the jury.

The Court: All right, go ahead.

Mr. Saypol: The record should show compliance with the rules, and in compliance with various provisions of statutory law, I take it that the defendants will so concede, first, that they have received copies of the indictment; secondly, that they have received copies of the venire; and finally, they have received a copy of the list of witnesses to prove the indictment, all in due compliance with the statutes.

May we have that concession?

Mr. E. H. Bloch: I will concede that the defendants have been duly served with a copy of the indictment. I am not at all sure that I can concede in the form of "duly received" a copy of the list of witnesses or a copy of the panel, because I was served those in piecemeal, and the last batch of panel prospective jurors as well as additional witnesses

[fol. 12] I don't believe was served on these defendants within the three days or outside the three-day statutory period, but I am going to waive that so there is no dispute about the matter.

The Court: All right. In other words, all counsel agree that Section 3432 of Title 18 was complied with.

Mr. E. H. Bloch: Correct.

The Court: All right. Just before calling of the jurors we will take a short recess.

Mr. E. H. Bloch: If the Court pleases, before we take a recess, if you will remember, the other afternoon we addressed an application to your Honor with respect to the number of peremptory challenges.

The Court: Oh, yes, I will deal with that selecting the jury.

Mr. Saypol: May I just supplement that before we adjourn? I take it the concession made by Mr. Bloch will be joined in by Mr. Phillips?

The Court: Oh, yes, all counsel.

Mr. Phillips: That is correct.

(Short recess.)

The Court: Gentlemen, on the matter of challenges, I will hand to the clerk a sheet, indicating the manner in which the challenges are to be exercised, that is, the rounds [fol. 13] in which they are to be taken. The defense will have 30 challenges and the Government will have 20 challenges.

Will you hand this down (handing)?

I may state that the law provides that both sides, in the ordinary case involving this type of punishment, have 20 challenges each, but the Court in its discretion may enlarge only that of the defense, not of the Government. In view of the fact that there are several defendants on trial, I have enlarged yours by 10 challenges.

(Panel of jurors sworn by the clerk.)

Mr. Saypol: Will your Honor suffer an interruption? For purposes of clarification, perhaps the order of challenges which the Court has directed might be made a part of the record?

The Court: Yes.

Mr. Saypol: I shall offer my copy as a Court's exhibit, and I should also ask the Court for what apparently is intended as a direction that challenges on the part of defendants shall be exercised jointly.

The Court: That is correct.

Mr. Saypol: Will you mark this as a Court's exhibit.

(Marked Court's Exhibit 1.)

Mr. Saypol: The Court's Exhibit in effect provides that there shall be eight rounds, three on the part of the defend- [fol. 14] ants, two on the part of the Government. There shall be a ninth round, three on the part of the defendants, one for the Government, and thereafter there shall be three rounds, one apiece to each side.

The Court: That is correct.

The Clerk: Will jurors kindly take their seats in the jurybox as their names are called.

(Richard H. King, John Cuff, Jr., Donald E. Layman, Joseph E. Jordan, George M. Melinette, George D. Philbrick, Paul A. Piper, William H. Fritz, Charles M. Boyle, Victor Miclo, Louis Friedlander, Monroe W. Fleck, prospective jurors 1 to 12, respectively, took their seats in the jurybox.)

VOIR DIRE EXAMINATION OF JURORS

The Court: To the gentlemen in the jurybox and to the ladies and gentlemen in the courtroom, I shall attempt to speak loud enough so that all of you can hear my questions.

Now, I will address certain questions to the jurors, and the purpose of these questions is to elicit such information from the jurors that would bring out any bias or any sympathy or any prejudice against either side, if such exists; and if in my questioning you feel that there is something that you ought to reply to, don't hesitate to make the answer.

To those who are not in the jurybox, I ask you to merely [fol. 15] make a note of the particular question, that will require an answer if you are ultimately put into the jurybox, so that when you are put into the jurybox you can volunteer your reply to that particular question.

To those actually in the jurybox, why, you will reply to the particular question by indicating that you have an answer; just raise your hand and I will ask you to answer to it.

Now, I believe that I can make my purpose clear in the questioning of the jurors by telling you what has been stated by me on a previous occasion to a panel of jurors and by another judge.

It is our purpose and object to secure a jury that has no feeling, no bias, no prejudice as to either side of this controversy. To put it another way, the minds of the jurors should be the same as a white sheet of paper with nothing on it, with respect to this case, and you should only take the testimony as it comes from the witnesses and from no other source.

It is the object of this Court to select jurors who will keep their minds open during the entire trial and at no time during the proceedings to say, "Now, I know what I am going to do." If a juror takes that position, he might just as well go home and come back when the matter is submitted. Now, that is important. A piece of evidence might come in [fol. 16] later that will change your opinion one way or the other, and that is why it is important that your minds remain open until all the evidence is in, until you have heard the summations of counsel and until you have heard the charge of the Court. If you don't do that, you might have such pride of opinion that it may ca-se you to adhere to a position which you took in the early part of the trial and your minds would hence be closed.

Now, this is a court of justice. Why I emphasize that you should only make your determination on the evidence as it comes from the witnesses, is because that is distinguished from gossip or newspaper talk or so on. That does not belong in a court of justice.

The grand jury has returned the indictment that will be read to you ultimately. I want you to know at the outset that the indictment is not evidence of guilt and should be entirely disregarded by you as evidence. It is merely a method by which the Government calls into a court of justice individuals who they claim have violated the law, and that is a method by which that individual or individuals, or those individuals are advised of the charge which they are required to meet.

Now, the defendants are presumed to be innocent until it is established beyond a reasonable doubt that they have [fol. 17] offended against the law, as charged in the indictment. The defendants stand before you as any individual in

this Court and clothed with that presumption all through the trial.

In asking the questions that I am about to put to you, I don't want you to think that we are curious about your personal affairs or that we are trying to embarrass you or that we haven't any good purpose in putting these questions to you, because that is not the case at all.

Now, if there is some member of this panel who hasn't heard what I have already stated, I wish you would raise your hand.

I take it that everybody has heard it.

My first question: Do any of you know or have any of you had dealings, directly or indirectly, with J. Howard McGrath, the Attorney General of the United States, Irving H. Saypol, the gentleman seated right here, the first gentleman?

Mr. Saypol: Shall I rise?

The Court: The United States Attorney for the Southern District of New York.

Mr. Saypol: I suppose I should present myself to the balance of the panel.

The Court: That is right. This is Mr. Saypol, ladies and gentlemen.

[fol. 18] Mr. Myles J. Lane, would you rise, please?

(Mr. Lane rises.)

The Court: Mr. Roy M. Cohn.

(Mr. Cohn rises.)

The Court: Mr. James B. Kilsheimer.

(Mr. Kilsheimer rises.)

The Court: And Mr. John M. Foley.

(Mr. Foley rises.)

The Court: I take it by your silence none of you knows Mr. McGrath or any of these gentlemen who have risen.

Now, do any of you know any other assistants to Mr. Saypol, or any employees of the United States Attorney's office or any associates of Mr. McGrath?

The stenographer will note from here on in that where there is no reply the answer is in the negative.

Does any juror know or has he had any dealings, either directly or indirectly, with Mr. Alexander Bloch? Mr. Bloch represents——

Mr. A. Bloch: Ethel Rosenberg (rising).
The Court: —Mrs. Ethel Rosenberg.

(Indicated in the negative.)

The Court: Mr. Emanuel H. Bloch?
Mr. Bloch: (Rising). Representing Julius Rosenberg.

(Indicated in the negative.)

Mr. E. H. Bloch: I might say at the outset, at this time, [fol. 19] that I notice on the panel the name of one individual with whom I had court litigation in an adversary position. His name is Leo Mercer, and I thought that it might save the time of the Court if——

The Court: No, you can't do that. You have to go through the entire wheel and dig them up.
Harold M. Phillips and Edward Kuntz, please rise.

(Mr. Phillips and Mr. Kuntz rise.)

Mr. Phillips: We represent Mr. Morton Sobell.
The Court: Very well.

(Indicated in the negative.)

The Court: Do you know anyone who is associated with the defendant in this case?

(Indicated in the negative.)

The Court: Does any juror know or has he had any dealings, either directly or indirectly, with the defendants, Julius Rosenberg?
Will you rise, please, Mr. Rosenberg.

(Mr. Rosenberg rises.)

The Court: Ethel Rosenberg.

(Mrs. Rosenberg rises.)

The Court: Morton Sobell?

(Mr. Sobell rises.)

The Court: You may be seated.

(Indicated in the negative.)

[fol. 20] The Court: I take it the answer is No.

Does any juror know, either directly or indirectly, or has he had any dealings with Anatoli A. Yakovlev, who is not in court, and David Greenglass, not in court at the present time?

(Indicated in the negative.)

The Court: Now, do any of you know any of the judges of this Court or any employees of the Court, or any of the families of the judges or employees of the Court?

(Indicated in the negative.)

The Court: Are you, or any of the members of your immediate families or friends employed by or connected with the Federal Bureau of Investigation, or any police department or other law enforcement or investigating agency, whether public or private, or friendly with any employee of those agencies or departments, or any employee of the Justice Department?

(Prospective juror No. 2 raised his hand.)

By the Court:

Q. This is juror, Mr. Cuff?

A. That is right, sir. I have a brother who is a policeman in a small town.

Q. A brother?

A. That is right.

Q. What town is he a policeman in.

A. Elmsford.

Q. Elmsford, New York?

A. That is right.

[fol. 21] Q. Would the fact that he is a policeman in any way prevent you from keeping your mind open until the entire case is in and rendering a verdict based upon the evidence?

A. It wouldn't have any effect on me.

Juror No. 5 (Raising hand).

By the Court:

Q. Mr. Melinette?

A. I have a neighbor who is with the Federal Bureau of Investigation.

Q. Where do you live?

A. Scarsdale, New York.

Q. Would the fact that this man is your neighbor in any way embarrass you from serving in this case or in any way prevent you from rendering a verdict based on the evidence?

A. I don't believe so.

The Court: Very well.

Have any of you ever given any information to the Federal Bureau of Investigation or otherwise had any dealings with the Federal Bureau of Investigation?

(Prospective jurors indicated in the negative.)

The Court: Are any of you employees of the Government, or do you have members of your immediate families who are employees of the Government?

Juror No. 5: (Raising his hand.)

By the Court:

Q. Yes, Mr. Melinette?

A. I am employed by the Port of New York Authority. [fol. 22] That is strictly government, government agency.

The Court: All right, anybody else?

(Prospective jurors indicated in the negative.)

The Court: Have any of you been employed by the Government in the past, or are any of you now seeking employment, or do you intend to seek employment with the government, or are any members of your families covered in that category?

(Juror No. 4 raised his hand.)

By the Court:

Q. Mr. Jordan?

A. I was employed by the City of New York in the Police Department many years ago.

Q. How long ago was that?

A. 13 years.

Q. In what capacity?

A. As a policeman, patrolman.

Q. What have you done since?

A. I was with the New York Central Railroad, and I am in charge of a department in a brokerage concern at 11 Wall Street.

Q. Now would your association with the New York Police Department or has your association with the Police Department of the City of New York done anything with respect to embedding in your mind any particular type of prejudice, and would you be prevented from keeping your mind open until all the evidence is in?

A. No, sir.

[fol. 23] The Court: Have you ever been, or are you now employed by any firm or company, engaged in production under contract with the Federal Government?

(Prospective Juror No. 8 raises hand.)

By the Court:

Q. You are Mr. Fritz?

A. Yes.

Q. What company is that?

A. National Carbon Division of Union Carbide, and we have a certain number of Government contracts.

Q. Now, would the fact that your company has these Government contracts in any way embarrass you from serving on this jury and prevent you from rendering a verdict based on the evidence and the evidence alone?

A. No, sir.

Q. You believe you could hold your mind open entirely through the entire case?

A. Yes.

(Prospective Juror No. 10 raises hand.)

By the Court:

Q. You are Mr. Miclo?

A. Miclo. I don't know whether the New York Telephone Company is connected with the Government.

Q. I think that is a fair assumption that they probably do some war work. Does that association with the New York Telephone Company in any way embarrass you from sitting on this case?

A. No.

[fol. 24] Q. You feel you could keep your mind open and render a verdict based on the evidence?

A. Yes.

The Court: Anybody else?

(Prospective Juror No. 1 raises hand.)

By the Court:

Q. Mr. King?

A. I work for the General Drafting Company, which produces maps, and I believe it has some contracts with the Federal Government.

Q. Do you feel that that fact would in any way embarrass you?

A. No.

Q. You feel you could hold your mind open, also?

A. Yes.

The Court: Very well.

Have any of you ever served as a juror in a criminal case before?

(Jurors indicated in the negative.)

The Court: Have you ever appeared as a witness for either side in a criminal case?

(Jurors indicated in the negative.)

The Court: Does any member of the panel have any interest in any case that is now pending in this court? By that I mean, are you a litigant or are you expected to be a witness in any case?

(Jurors indicated in the negative.)

The Court: Has any juror or member of his family or [fol. 25] personal friends been a party to any legal action or dispute with theUnited States or any of its offices, agents or employees, or had any interest in any such legal action?

(Jurors indicated in the negative.)

The Court: Do you know O. John Rogge of 401 Broadway, or any members of his firm, namely, Herbert Fabricant, Murray Gordon or Robert Goldman?

(Jurors indicated in the negative.)

The Court: The following persons will be called as witnesses for the Government in this case.

Mr. Schaefer, would you please read them.

Now just listen to the list of witnesses.

The Clerk: The following persons will be called as witnesses for the Government in this case:

Abraham Jacob Surovell
Evelyn Cox
Mark Page
Louise Sarant
Florence Cohen
Max Miller
Arthur Barr
Stella Page
Stanley Rich
Dorothy Abel
Dr. Harold C. Urey
Kathryn Kearns
Procuro Lopez
Gen. Leslie R. Groves
Sarah Powell
Leopoldo Morales
Edward Hillman
Max Elitcher
[fol. 26] Helene Elitcher
Perry Alexander Seay
Emanuel Schwartz
Karl G. Brierley
Mrs. Ruth Greenglass
Mr. & Mrs. W. B. Freeman
Harry Gold
Pedio Boston
Elizabeth T. Bentley
Rolando Leal
John A. Harrington
Eleazer Bromberg
Burrell A. Parkhurst
John W. Lewis
Guillermo Salvidar
Frank Wilentz
Dr. George B. Kistiakowski
Fletcher Brumit
William Danziger
Solomon H. Bauch
Rose Sobell
Edith S. Levitov
Samuel Levine
Walter S. Koski
Morris Pasternak
Edward J. Garrett
Ruth Alscher
Louis Pasternak
Max L. Hart
David Greenglass
Lan Adomian
Rex I. Shroder
James S. Carey
George C. Hargrove
William F. Norton, Jr.
Ben Zuckerman
Florence Pasternak
Ross C. Merritt

Harry D. Belock	Robert E. Rugen
Dr. J. Robert Oppenheimer	Hugh Holland
Alicia Perez Bridat	H. K. Calvert
R. Garza Ramon	Jaime H. Roberts or
James P. Lee	Glenn Davis
Manuel Giner de Los Rios	John Landsale, Jr.
Minerva Bravo	Thomas O. Jones
Ann H. Sidorovich	John A. Derry
John A. Derry	Louis Sobell
Jose Luis Brocado Vendrell	Dora Bautista
O. John Rogge	Mervin Isaacs
David Levitov	Herman Einsohn
[fol. 27] Charles X. Oursler	Vivian Glassman
Richard R. Murray	Sylvia Danziger
George Bernhardt	Herbert Fabricant
Mrs. Helen R. Pagano	Helen D. Schmutz
William Perl	Dr. Anoch Lewert
Louis Abel	Kenneth K. Bowman
Michael Sidorovich	Wendell Marshman
Ralph Carlisle Smith	Mr. & Mrs. Herbert Feinberg
Diana Einsohn	John Fitzpatrick
Henry Aldrich	Andrew Walker

[fol. 28] The Court: Now, does any member of the jury know any of the persons whose names were called and who will be witnesses in this case?

Prospective Juror No. 3: Does that mean know of them?

The Court: No. Know the person. When you say know of them I take it you refer to names you have heard or read about. We will deal with that a little later.

Prospective Juror No. 3: Yes.

The Court: I am dealing now with know. The answer is no, is it?

Prospective Juror No. 3: Yes.

The Court: Mr. Schaefer will now read to you the indictment in this case.

The Clerk: The Grand Jury charges:

1. On or about June 6, 1944, up to and including June 16, 1950, at the Southern District of New York, and elsewhere, Julius Rosenberg, Ethel Rosenberg, Anatoli A. Yakovlev, also known as "John", David Greenglass and

Morton Sobell, the defendants herein, did, the United States of America then and there being at war, conspire, combine, conferedate and agree with each other and with Harry Gold and Ruth Greenglass, named as co conspirators but not as defendants, and with divers other persons presently to the [fol. 29] Grand Jury unknown, to violate subsection (a) of Section 32, Title 50, United States Code, in that they did conspire, combine, confederate and agree, with intent and reason to believe that it would be used to the advantage of a foreign nation, to wit, the Union of Soviet Socialist Republics, to communicate, deliver and transmit to a foreign government, to wit, the Union of Soviet Socialist Republics, and representatives and agents thereof, directly and indirectly, documents, writings, sketches, notes and information relating to the National Defense of the United States of America.

Overt Acts

1. In pursuance of said conspiracy and to effect the objects thereof, in the District of Columbia, on or about June 6, 1944, the defendant Julius Rosenberg visited a building at 247 Delaware Avenue, Washington, D. C.

2. And further in pursuance of said conspiracy and to affect the objects thereof, in the Southern District of New York, on or about November 15, 1944, the defendants Julius Rosenberg and Ethel Rosenberg conferred with Ruth Greenglass.

3. And further in pursuance of said conspiracy and to effect the objects thereof, in the Southern District of New York, on or about November 20, 1944, the defendants Julius [fol. 30] Rosenberg gave Ruth Greenglass a sum of money.

4. And further in pursuance of said conspiracy and to effect the objects thereof, in the Southern District of New York, on or about November 20, 1944, Ruth Greenglass boarded a train for New Mexico.

5. And further in pursuance of said conspiracy and to effect the objects thereof, in the Southern District of New York, on or about December 10, 1944, the defendant Julius Rosenberg went to 266 Stanton Street, New York City.

6. And further in pursuance of said conspiracy and to effect the objects thereof, in the Southern District of New York, on or about December 10, 1944, the defendant Julius

Rosenberg received from Ruth Greenglass a paper containing written information.

7. And further in pursuance of said conspiracy and to effect the objects thereof, in the Southern District of New York, on or about January 5, 1945, the defendants Julius Rosenberg and Ethel Rosenberg conferred with the defendant David Greenglass and Ruth Greenglass.

8. And further in pursuance of said conspiracy and to effect the objects thereof, in the Southern District of New York, on or about January 5, 1945, the defendant Julius Rosenberg gave Ruth Greenglass a portion of the side of a torn cardboard "Jello" box.

[fol. 31] 9. And further in pursuance of said conspiracy and to effect the objects thereof, in the Southern District of New York, on or about January 10, 1945, the defendant Julius Rosenberg introduced the defendant David Greenglass to a man on First Avenue, New York City.

10. And further in pursuance of said conspiracy and to effect the objects thereof, in the Southern District of New York, on or about January 12, 1945, the defendant Julius Rosenberg conferred with the defendant David Greenglass.

11. And further in pursuance of said conspiracy and to effect the objects thereof, in the Southern District of New York, on or about January 12, 1945, the defendant Julius Rosenberg received from the defendant David Greenglass a paper containing sketches of experiments conducted at the Los Alamos Project.

12. And further in pursuance of said conspiracy and to effect the objects thereof, in the Southern District of New York, on or about January 14, 1945, the defendant David Greenglass boarded a train for New Mexico.

(Section 34, Title 50, United States Code.)

The Court: Now ladies and gentlemen of the panel these defendants are charged with violating the statute which reads in part as follows. I will eliminate surplusage:

[fol. 32] If two or more persons conspire to violate the provisions of Section 32 or 33 of this title and one or more of such persons does any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished et cetera, et cetera.

Now it is alleged that the defendants in the indictment conspired to violate Section 32 which was referred to in the foregoing statute which I have just read.

Section 32 provides in part as follows:

Whoever with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation communicates, delivers or transmits or attempts to or aids or induces another to communicate, deliver or transmit to any foreign government or to any faction or party or military or Naval force within a foreign country whether recognized or unrecognized by the United States, or to any representative, officer, agent, employee, subject or citizen thereof either directly or indirectly any document, writing, code book, signal book, sketch, photograph, photograph negative, blueprint, plan, map, model, note, instrument, appliance or information relating to the National Defense shall be punished, et cetera, et cetera.

Now, as I have said before, the indictment is merely a [fol. 33] charge filed by the Grand Jury. It is not to be considered by you as evidence of any wrongdoing on the part of the defendants.

Now I ask you, do you know any of the persons who were members of the Federal Grand Jury or have you had any conversation with anybody who told you he was a member of the Grand Jury that returned this indictment or ever sat in this or any other district?

(The prospective jurors answered in the negative.)

The Court: Now, would the fact that the grand jury filed an indictment against these defendants prevent you from giving these defendants a fair and impartial trial on all of the evidence to be presented or would you feel that merely because they had been thus indicted you would be unable to afford the defendants a fair trial?

(The prospective jurors answer in the negative.)

The Court: Do you have any hesitancy in accepting the proposition that each of the defendants is presumed to be innocent? And that a defendant can only be found guilty when you are convinced beyond a reasonable doubt of the defendants' guilt?

Prospective Juror No. 12: Your Honor, I never served in a criminal court before, but under the present circumstances, [fol. 34] and even though I had not read the indictment, I don't feel that I could give the defendants a fair and equitable opinion.

The Court: Very well. You are excused.

(Monroe W. Fleck excused.)

Prospective Juror No. 6: During the time covered by the indictment I was in the Navy in the Pacific.

The Court: I will get to that in the future. You just hold what you are going to tell me until then.

(William Baring-Gould called as a prospective juror.)

The Court: Your name is?

Prospective Juror: William Baring-Gould.

By the Court:

Q. Did you hear everything that has transpired so far?

A. I did.

—. Is there anything you care to volunteer to the Court?

A. I believe you asked the one question about whether any of the jurors had ever been questioned by an FBI man.

Q. Yes.

A. I was on several occasions during the war questioned about people I had known who were under consideration for various Government positions.

Q. Aside from that have you ever had any other contact with the FBI?

A. No.

[fol. 35] Q. Having had that particular relationship that you refer to with the FBI, would that in any way prevent you from rendering a fair verdict based on the evidence?

A. No, it would not.

Mr. E. H. Bloch: Your Honor, I am very sorry, we didn't get the name of the juror.

The Court: William Baring-Gould. Is that a hyphenated name?

Mr. Gould: It is.

The Court: Now gentlemen, has anyone of you ever had any contact or association in any manner with relation to

yourself or any members of your family, or close friends with a case of this type?

(Prospective jurors indicate in the negative.)

The Court: Would any of you be so prejediced that you could not leave your mind open to decide this case on all the evidence by the fact that the defendants are alleged to have been engaged in a conspiracy to violate the espionage laws of the United States?

Well, prior to that I just want to say this in order to clarify your position as jurors: When you are asked to serve on a jury you are asked to leave all your prejudices behind. No matter how distasteful your service may be, no matter how distasteful your verdict might be, if it is based upon the [fol. 36] evidence, that is what is expected of you. It is just like adding a column of figures. You add a column of figures and you get a result. You may not like the result you have gotten but that is the result. And that is the same situation here. So you can see that we are searching to see whether or not we can get jurors who can receive this evidence with an open mind, without any prejudice or bias for or against either the defense or the Government.

Now I repeat, would any of you be so prejudiced that you could not leave your mind open to decide this case on all the evidence by the fact that the defendants are alleged to have engaged in a conspiracy to violate the espionage laws of the United States, or that it is asserted that the spying was done on behalf of the Soviet Union? Or that the alleged espionage might be related to the Los Alamos Project, New Mexico, and involved atomic energy data or that it may be asserted that the security of the United States is involved here.

Prospective Juror No. 6: I believe my previous reference to my service in the Pacific, your Honor——

The Court: Would cause you to be so prejudiced?

Prospective Juror No. 6: It would.

The Court: All right. Very well, you are excused.

[fol. 37] (George N. Melinette excused.)

(Matthew Farrell called as a prospective juror.)

By the Court:

Q. I take it, Mr. Farrell, you have heard everything that has transpired this morning?

—. Yes.

Q. Is there anything you care to volunteer?

A. No.

The Court: Has any juror any prejudice against the enforcement of a law which makes it a crime to commit espionage or to conspire to commit espionage or against punishment of any person who conspires to commit espionage?

(Prospective jurors indicate in the negative.)

The Court: Do you have any bias, prejudice or scruple against the enforcement of a law the violation of which is punishable by death or against being a juror in a capital case?

Prospective Juror No. 1.: Your Honor, I am prejudiced somewhat against capital punishment and I have so stated in the Supreme Court of the State of New York.

The Court: Very well. We will excuse you.

(Prospective juror No. 1 excused.)

The Court: I want to tell the jurors that the matter of punishment, so that they understand it, is completely within the province of the Court; that no time are they to consider the question of possible punishment. That is completely [fol. 38] within my jurisdiction, not within the jurisdiction of the jurors, and I wouldn't want them to be biased or prejudiced one way or the other by the fact that an individual juror may consider what possible punishment might result. That is within my province, not within the province of the jurors, and what I might or might not do will rest with my conscience if that time arrives.

(Prospective Juror No. 1, Richard H. King excused.)

(J. Cornelius Troy called as a prospective juror.)

By the Court:

Q. Have you heard everything that has transpired this morning?

A. I have.

Q. Is there anything you care to volunteer?
A. No, sir.
The Court: Very well.
Does any juror have any prejudice against the atomic bomb or information relating thereto, or object to the method employed by the government of handling information concerning the atom bomb?

(Prospective jurors indicate in the negative.)

The Court: Does any juror oppose the use of atomic weapons in time of war or oppose the Government's con-
[fol. 39] tinued research and development of atomic weapons, and the supervision of atomic energy and information relating thereto?

(Prospective jurors indicate in the negative.)

The Court: Does any juror feel that developments and information concerning atomic energy should be revealed to Russia or any Russian satellite country?

(Prospective jurors indicate in the negative.)

The Court: Does any juror favor the platform urged by Russia t- the United Nations regarding the use and development and supervision of atomic energy?

(Prospective jurors indicate in the negative.)

The Court: Are any of you, or any members of your family, or have any of you or any members of your family been in the Armed Forces of the United States?

(Many prospective jurors raise their hands.)

The Court: Mr. Troy?
Mr. Troy: Yes, I have. You said were——
The Court: Were you in the Armed Forces, either you or any member of your family?
Mr. Troy: Yes. I did have four brothers in the Army.
The Court: Who served?
Mr. Troy: Yes.
The Court: Would their service in any way prejudice you
[fol. 40] one way of the other from serving in this kind of case?

Mr. Troy: No, sir.

The Court: The next gentleman whose hand was up was Mr. Cuff.

Mr. Cuff: Well, I have four brothers in the last war.

The Court: I address the same question to you. What is your reply?

Mr. Cuff: No, it wouldn't influence me.

The Court: You feel as though you could render a fair verdict in this case based on the evidence?

Mr. Cuff: Yes, sir.

The Court: Yes?

Prospective Juror No. 5: I served in the Navy during the First World War.

The Court: Would that service in any way prejudice you or prevent you from keeping your mind open?

Prospective Juror No. 5: No, sir, it would not.

The Court: No. 6, Mr. Piper.

Mr. Piper: My brother was in the service in the last war.

The Court: Could you despite that fact keep your mind open and serve in this case without prejudice to either side? [fol. 41] Mr. Piper: Yes.

The Court: Mr. Fritz?

Mr. Fritz: My brother also served in the Navy in the last war.

The Court: Would that fact in any way prejudice you in serving in this case?

Mr. Fritz: No, sir.

The Court: Anybody else?

Mr. Boyle?

Mr. Boyle: The United States Navy in the First World War.

The Court: Could you serve here without any prejudice?

Mr. Boyle: I can, your Honor.

The Court: Mr. Farrell?

Mr. Farrell: I had two brothers in the last war.

The Court: Do you feel you could serve with propriety in this case, keep your mind open until all the evidence is in?

Mr. Farrell: Yes.

The Court: Mr. Miclo?

Mr. Miclo: I had two brothers and three nephews in the past war.

The Court: Do you feel you could serve?
Mr. Miclo: Yes.
[fol. 42] The Court: With propriety in this case?
Mr. Miclo: Yes.
The Court: Keep your mind open until all the evidence is in?
Mr. Miclo: Yes.
The Court: And the Court has charged the jury?
Mr. Miclo: Yes.
The Court: You do feel that way?
Mr. Miclo: Yes.
The Court: Mr. Miclo, you do feel that way?
Mr. Miclo: Yes, certainly.
The Court: Anybody else?

(Prospective jurors indicate in the negative.)

The Court: Would the fact that the United States may be involved in a war prevent or hinder you from rendering a fair and unbiased opinion in this case based solely on the evidence and the instructions of the Court?

(Prospective jurors indicate in the negative.)

The Court: Has any juror or member of the jurors' family attended the College of the City of New York known as C.C.N.Y.? If so, would the fact that some of the defendants also may have graduated from that institution prejudice you one way or the other in your consideration of the evidence in this case?

Mr. E. H. Bloch: If your Honor please, I don't like to [fol. 43] interrupt in the midst of your questioning. I wonder if I could come to the bench with Mr. Saypol for just a moment.

The Court: Step up.

(The following discussion took place at the bench.)

Mr. E. H. Bloch: I really don't know what the practice is here with respect to objecting to certain questions which I may consider to be irrelevant and improper as the case may be. Of course, once the Court asks a question it is asked, and I suppose if there is any damage done it has been done, and in our estimation it is an improper question. What would you suggest?

The Court: I would suggest you hold them until the questioning is completely finished. I might tell you that the matter of questioning the jury is completely within the discretion of the Court.

Mr. E. H. Bloch: I understand.

The Court: I think whatever objection you have will be of no moment whatsoever in the event of an appeal subsequently, but I will permit you to object when the entire questioning is through.

Mr. Kuntz: Here is specifically what we have in mind, your Honor. You might consider it and we can avoid any objection: In the question that Mr. Saypol proposed about [fol. 44] that long list of organizations, we don't have objection to asking whether they are or were members of those organizations, but if you will notice in the question *it*self there is a characterization first of all, subversive, or front, or something like that, and secondly, on the Attorney General's list. It seems to us that nothing could be accomplished except possibly prejudice by the characterization.

The Court: How would you rather have me characterize it?

Mr. Kuntz: Just asking them whether they were ever members of those organizations. That should satisfy Mr. Saypol. That should enable him to determine their fitness as jurors, rather than the characterization.

Mr. E. H. Bloch: Incidentally, as far as the question that Mr. Kuntz just discussed, I wasn't thinking of any questions that the Court has already asked, but trying to anticipate.

Mr. Saypol: I take it that the Court has evaluated these questions. The same type of questions were used and approved on both the Hiss case and Dennis case.

The Court: I don't see that it is terribly important either way, but if they have a serious objection to it, I would just as leave, leave out the word subversive.

Mr. Saypol: No. I should think that they would stand [fol. 45] just as their characterizations of some of the organizations which were referred to by them in their questions. It is so highly discretionary or entirely discretionary, and I can't see how they will be prejudiced.

Mr. Kuntz: First of all, Judge Kaufman, as you probably know, in regard to many of these organizations, probably all

of them, no hearings were ever held on the question whether they were subversive.

The Court: Well, let us not get into that.

Mr. Kuntz: No, but to tell the jury that.

The Court: Well, therefore I think it would be proper, wouldn't it, to say the Attorney General's list? What objection have you really got to it?

Mr. Kuntz: Because they will give more weight to the Attorney General's list when it is known that the Attorney General held no hearings. I have no objection to the list of the organizations.

The Court: I will decide that as I come to it.

(The following took place in open court.)

The Court: All right, gentlemen.

Has any one of you read anything in any newspaper or other publication or heard anything on radio or television about this case?

(Many jurors indicate in the affirmative.)

[fol. 46] The Court: I think that is a fair assumption.

Have you read or heard anything concerning the arrest and conviction of one Harry Gold and one David Greenglass for espionage? I take it you have all read about that, too. And you also have read about Mrs. Ruth Greenglass? Now, I want you to listen to this question: Have you formed any opinions or impressions as to the merits of the charge, unfavorable either to the Government or to the defendants or any of them, which would prevent or hinder you from holding your mind fully open until all of the evidence and the instructions of the Court are complete?

(Prospective jurors indicate in the negative.)

The Court: I might state in connection with that that ultimately the jury that is selected to try this case will be asked not to read any newspapers accounts of the case, not to listen to any radio accounts or television accounts of the case, because we want you to get the evidence in the courtroom. The Court sits as a pilot here attempting to screen the evidence, so that evidence which is objectionable on legal grounds does not come to the jury, but the press

has a right to report the objections that were stated perhaps outside of your presence frequently and other matters that did not come to you and whatever good we might try [fol. 47] to accomplish by excluding evidence that was objectionable would be completely lost if you were to read a newspaper account of the case.

Mr. Troy: Your Honor, I am afraid on that question about Harry Gold, I would be a little prejudiced there. In fact, the way I feel about it, after reading it.

The Court: Very well, you are excused.

(Cornelius Troy excused.)

(Timothy Ryan called as prospective Juror No. 1.)

By the Court:

Q. Mr. Ryan, have you heard everything that transpired this morning?

A. I have.

Q. Is there anything you care to volunteer?

A. No.

Q. You think you can serve with propriety in this case?

A. I do.

The Court: Now, I am going to read a question to you and I am certain that all of you have an answer to it. So hold it until I am finished. It has been submitted by respective counsel: Have you at any time been a subscriber to or reader of or connected in any way with the following publications:

The Brooklyn Tablet, the Journal-American, The New York Enquirer, the New York Sun, the World-Telegram, [fol. 48] the American Legion Monthly, the Daily Mirror, the Daily News, Counterattack, Plain Talk, Red Channels, the Daily Worker, The Worker, the Communist Political Affairs, Morning Freiheit, New Masses, In Fact, Peoples World, the German-American, Soviet Russia today, Masses & Main Stream, Peoples Voice, The Protestant, Contact, The National Guardian, New Foundations, New Times, World Tourist, Inc., Amtorg Trading Corporation, Amtorg-Tass News Agency, Earl Browder, Inc., The Soviet Embassy, any of the former Soviet Consulates, former Soviet Purchasing Commission, Freedom of the Press, Inc., Cafe

Society Uptown, Cafe Society Downtown, International Publishers, New Century Publishers, Workers Book Shop, Washington Cooperative Book Shop, Jefferson Book Shop, Four Continent Book Corporation, Abraham Lincoln Brigade, Abraham Lincoln School, Chicago, Illinois; Action Committee to Free Spain now, American League against War and Fascism, American Association for Reconstruction in Jugoslavia, Inc., American Committee for European Workers Relief, American Committee for Protection of Foreign Born, American Committee for Jugoslav Relief, Inc., American Council for a Democratic Greece, American Council on Soviet Relations, American Croation Congress, American Jewish Labor Council, American League for Peace and Democracy, American Peace Mobilization, Ameri- [fol. 49] can Polish Labor Council, American Russian Institute of San Francisco, American Slav Congress, American Student Union, American Youth Congress, American Youth For Democracy, Armenian Progressive League of America, Boston School for Marxists Studies, California Labor School, Inc., 216 Market Street, San Francisco, California; Central Council of American Women of Croation Descent also known as Central Council of American Croation Women, National Council of Croation Women, Citizens Committee of the Upper West Side, New York City; Citizens Protective League, Citizens Committee to free Earl Browder, Citizens Committee for Harry Bridges, Comite Coordinator Pro Republica Espanola, Committee for a Democratic Far Eastern Policy, Commonwealth College, Mena, Arkansas; Civil Rights Congress and its State Affiliates, Committee to aid the Fighting South, Communist Party, U. S. A.; Communist Political Association, Connecticut State Youth Conference, Congress of American Revolutionary Writers, Congress of American Women, Council on African Affairs, Council for Pan American Democracy, Daily Worker Press Club, Dennis Defense Committee, Friends of the Soviet Union, George Washington Carver School, New York City; German-American Bund, Hollywood Writers Mobilization for Defense, Hungarian-American Council for Democracy, Independent Socialist League, [fol. 50] International Labor Defense, *International Labor Defense*, International Workers Order and Affiliated Groups

Jefferson School of Social Science, New York City; Jewish Peoples Committee, Joint Anti-Fascist Refugee Committee, Ku Klux Klan, Labor Research Association, Inc., Labor Youth League, League of American Writers, Macedonian-American Peoples League, Michigan Civil Rights Federation, National Committee for the Defense of Political Prisoners, National Committee to Win the Peace, National Council of Americans of Croation Descent, National Council of American Soviet Friendship, National Federation for Constitutional Liberties, National Negro Congress, Nature Friends of American since 1935, Negro Labor Victory Committee, New Committee for Publications, Ohio School of Social Sciences, Peoples Educational Association, Peoples Institute of Applied Religion, Peoples Radio Foundation, Inc., Philadelphia School of Social Science and Art, Photo League, New York City; Proletarian Party of America, Revolutionary Workers League, Samuel Adams School, Boston, Massachusetts; School of Jewish Studies, New York City; Seattle Labor School, Seattle, Washington; Serbian Vidovdan Council, Silvershirt Legion of America, Slovenian-American National Council, Socialist Workers Party including American Committee for European Workers Relief, [fol. 51] Socialist Youth League, Southern Negro Youth Congress, Tom Paine School of Social Science, Philadelphia, Pennsylvania; Tom Paine School of Westchester, New York; United Committee for Democratic Rights, United Committee for South Slavic Americans, United Harlem Tenants and Consumers Organization, United May Day Committee, United Negro and Allied Veterans of America, Veterans against Discrimination of Civil Rights Congress of New York, Veterans of the Abraham Lincoln Brigade, Walt Whitman's School of Social Science, Newark, New Jersey; Washington Book Shop Association, Washington Committee for Democratic Action, Wisconsin Conference on Social Legislation, Workers Alliance, Workers Party, including Socialist Youth League, Young Communist League, Institute of Pacific Relations, American-Russian Institute for Cultural Relations with the Soviet Union, Inc., National Emergency Conference for Democratic Rights, China Aid Council, International Juridicial Association.

I take it all of you have read one or more of those papers.

Prospective Juror No. 1: Did I understand your question correctly, your Honor, that it was connected with them?

The Court: Either connected with them or read them.

[fol. 52] Prospective Juror No. 1: Well, I do a great deal of business with practically—well, with the Daily News particularly and the New York Sun. As a matter of fact, I am in the printing business and furnish them ink.

The Court: I will ask you this: In connection with your relations in your business or as a result of having read anything in any of these papers would you be so prejudiced that you could not render a verdict in this case based on the evidence and the evidence alone?

Prospective Juror No. 1: No, sir.

The Court: Would it be embarrassing to you in any way to serve in this case?

Prospective Juror No. 1: It would not.

The Court: Because of your business association?

Prospective Juror No. 1: No.

The Court: Now, to all of you gentlemen and each and every one of you who raised your hands as having read one or more or these papers from time to time, as a result of what you have read, have you become so prejudiced that you could not serve with propriety in this case, keep your minds open until all the evidence is in?

Prospective Juror No. 12: Your Honor?

The Court: Yes.

[fol. 53] Prospective Juror No. 12: I should mention that I was employed once by the Hearst newspapers of which the Journal American is one.

The Court: How long ago?

Prospective Juror No. 12: 1935.

The Court: In what capacity?

Prospective Juror No. 12: I was a member of the general advertising department.

The Court: You are now with Time Magazine?

Prospective Juror No. 12: That is correct.

The Court: As a result of your past association or your present association do you feel you could not keep your mind open until all the evidence is in?

Prospective Juror No. 12: I feel I could.

The Court: You feel you could?

Prospective Juror No. 12: I do.

The Court: I want you to listen to these other papers and I will address a question based on them.

Daily Worker, The Worker, The Communist, Political Affairs, Morning Freheit, New Masses, In Fact, Peoples World, The German-American, Soviet Russia today, Masses & Main Stream, Peoples Voice, The Protestant, Contact, The National Guardian, New Foundations, New Times.

Has any of you read or been associated with any of those [fol. 54] publications?

Mr. Layman: I have read a couple of them. In Fact, and one other I believe.

The Court: Mr. Layman. You are a journalist, are you?

Mr. Layman: Yes.

The Court: You are with what company?

Mr. Layman: Scholastic Magazine.

The Court: What type of magazine is that?

Mr. Layman: We publish magazines for the junior and senior high schools.

The Court: You say you have read New Masses?

Mr. Layman: No. I have read In Fact.

The Court: As a result of having read that magazine have you come to the jury box with any particular prejudice for or against either side?

Mr. Layman: Not for or against either side, no.

The Court: Do you feel that you could leave your mind open and decide this case based on the evidence and the evidence alone?

Mr. Layman: Yes.

The Court: Are you a regular subscriber to any one of these?

Mr. Layman: No. I have only read them occasionally.

[fol. 55] The Court: In connection with your work generally?

Mr. Layman: No. Just in connection with curiosity.

The Court: Has any juror or any member of his family or close personal friend had any dealing with or been employed by any of the following:

World Tourist, Inc., Amtorg Trading Corporation, Amtorg Tass News Agency, Earl Browder, Inc., Soviet Embassy, any of the former Soviet Consuls, the former Soviet

Purchasing Commission, Freedom of the Press, Inc., Cafe Society Uptown, Cafe Society Downtown, International Publishers, New Century Publishers, Workers Book Shop?

The question is has any juror or any member of his family or close personal friend had any dealing with or been employed by the list I have just read to you?

(Prospective jurors indicate in the negative.)

The Court: Has any juror been employed by or any member of his family or close relative, the Washington Cooperative Book Shop, the Jefferson Book Shop, Four Continent Book Corporation?

(Prospective jurors indicate in the negative.)

The Court: Has any member of the jury ever been a member of, made contributions to or been associated in any [fol. 56] way with any of the following organizations which are contained on a list published by the Attorney General pursuant to a Presidential Executive order.

Mr. Schaefer would you please read the page 33?

(The Clerk read as follows):

Abraham Lincoln Brigade, Abraham Lincoln School, Chicago, Illinois; Action Committee to Free Spain now, American League against War and Fascism, American Association for Reconstruction in Jugoslavia, Inc., American Committee for Protection of Foreign Born, American Committee for Jugoslav Relief, Inc., American Council for a Democratic Greece, American Council on Soviet Relations, American Croation Congress, American Jewish Labor Council, American League for Peace and Democracy, American Peace Mobilization, American Polish Labor Council, American Russian Institute of San Francisco, American Slav Congress, American Student Union, American Youth Congress, American Youth For Democracy, Armenian Progressive League of America, Boston School for Marxist Studies, California Labor School, Inc., 216 Market Street, San Francisco, California; Central Council of American Women of Croation Descent also known as Central Council of Ameri- [fol. 57] can Croation Women, National Council of Croation Women, Citizens Committee of the Upper West Side, New York City; Citizens Protective League, Citizens Committee

to free Earl Browder, Citizens Committee for Harry Bridges, Comite Coordinator Pro Republica Espanola, Committee for a Democratic Far Eastern Policy, Commonwealth College Mena, Arkansas; Civil Rights Congress and its State Affiliates, Committee to aid the Fighting South, Communist Party, U.S.A.; Communist Political Association, Connecticut State Youth Conference, Congress of American Revolutionary Writers, Congress of American Women, Council on African Affairs, Council for Pan American Democracy, Daily Worker Press Club, Dennis Defense Committee, Friends of the Soviet Union, George Washington Carver School, New York City; German-American Bund, Hollywood Writers Mobilization for Defense, Hungarian-American Council for Democracy, Independent Socialist League, International Labor Defense, *International Labor Defense*, International Workers Order and Affiliated Groups, Jefferson School of Social Science, New York City; Jewish Peoples Committee, Joint Anti-Fascist Refugee Committee, Ku Klux Klan, Labor Research Association, Inc., Labor Youth League, League of American Writers, Macedonian-American Peoples League, Michigan Civil [fol. 58] Rights Federation, National Committee for the Defense of Political Prisoners, National Committee to Win the Peace, National Council of Americans of Croation Descent, National Council of American Soviet Friendship, National Federation for Constitutional Liberties, National Negro Congress, Nature Friends of America, since 1935; Negro Labor Victory Committee, New Committee for Publications, Ohio School of Social Sciences, Peoples Educational Association, Peoples Institute of Applied Religion, Peoples Radio Foundation, Inc., Philadelphia School of Social Science and Art, Photo League, New York City; Proletarian Party of America, Revolutionary Workers League, Samuel Adams School, Boston, Massachusetts; School of Jewish Studies, New York City; Seattle Labor School, Seattle, Washington; Serbian Vidovdan Council, Silvershirt Legion of America, Slovenian-American National Council, Socialist Workers Party including American Committee for European Workers Relief, Socialist Youth League, Southern Negro Youth Congress, Tom Paine School of Social Science, Philadelphia, Pennsylvania; Tom Paine School of Westchester, New York; United Committee for Democratic

Rights, United Committee for South Slavic Americans, United Harlem Tenants and Consumers Organization, United May Day Committee, United Negro and Allied Veterans of America, Veterans against Discrimination of Civil [fol. 59] Rights Congress of New York, Veterans of the Abraham Lincoln Brigade, Walt Whitman's School of Social Science, Newark, New Jersey; Washington Book Shop Association, Washington Committee for Democratic Action, Wisconsin Conference on Social Legislation, Workers Alliance, Workers Party, including Socialist Youth League, Young Communist League, Institute of Pacific Relations, American-Russian Institute for Cultural Relations with the Soviet Union, Inc., National Emergency Conference for Democratic Rights, China Aid Council, International Juridical Association.

The Court: Well now, the question is whether any juror has been a member of, contributed to, or been associated with, or any member of his family or close friend, with any of those organizations that have just been read to you.

(Prospective jurors indicate in the negative.)

The Court: Now, have any of you, and I am sure you all have, read newspaper articles or writings or heard speeches or lectures by Westbrook Pegler, Walter Winchell, John O'Donnell, Frederick Woltman, Melton Frank, Howard Rushmore, Louis F. Budenz, Fulton Lewis, Jr., Elizabeth Bentley? I take it you all have read their works.

Is there anybody on the jury who has not read any of [fol. 60] those?

(Prospective jurors indicate in the negative.)

The Court: Or has not heard at least one or more of those read to you?

(Prospective jurors indicate in the negative.)

The Court: Now, as the result of anything you have read in the columns of these newspaper men or women, or as the result of anything you have heard on the radio or otherwise from any of these have you become so prejudiced that you could not render a verdict in this case based upon the evidence and the evidence alone?

(Prospective jurors indicate in the negative.)

The Court: Well, we will recess at this point until 2:30. And ladies and gentlemen, both in the box and those who probably will be subsequently asked to take a place in the jury box, I ask you please not to discuss this case between yourselves, not to permit anybody to discuss it with you; do not give the matter any thought at all during lunchtime except in so -ar as anything which you will have to volunteer in the event that you are called, and I ask you to please return to your respective places at 2:30. As far as the gentlemen who are in the jury box, you may also return right to your respective places at 2:30 this afternoon.

(Recess to 2:30 P.M.)

[fol. 61] Afternoon Session—2:30 P.M.

The Court: Now, at the close of the session, Mr. Layman communicated with me and I shall excuse No. 3, Mr. Layman.

(Prospective juror No. 3, Mr. Layman, excused.)

Mr. E. H. Bloch: May I direct an inquiry to the Court? Is that a peremptory challenge on the part of the Government?

The Court: No, it is my challenge.

Mr. E. H. Bloch: All right, thank you.

The Clerk: Donald S. Layman is excused.

Samuel G. French, No. 3.

(Mr. French takes his seat in the jurybox.)

By the Court: (To, Mr. French)

Q. Mr. French, did you hear everything that transpired in court this morning?

A. Yes, your Honor.

Q. Is there anything that you care to volunteer?

A. Yes.

Q. What is it?

A. I was employed by the Federal Government in Washington for five years during the last war.

Q. In what branch?

A. In various war agencies. One of my closest friends

and neighbors was with the FBI, working on a sedition case directly under O. John Rogge.

Q. Now, by reason of that friendship, has anything hap-
[fol. 62] pened which would prevent you from keeping an open mind in this kind of a case and rendering a verdict based upon the evidence and the evidence alone?

A. I think not, your Honor.

Q. Now, you say, "I think not." I must be sure you will decide this case based on the evidence.

A. Well, I believe there is a possibility of prejudice on any testimony the witness might present, Mr. Rogge.

The Court: Very well, you may be excused.

The Clerk: Samuel G. French excused.

Mrs. Edna S. Pincous.

(Mrs. Pincous takes seat No. 3 in the jurybox.)

By the Court: (To Mrs. Pincous)

Q. Mrs. Pincous, did you hear everything that transpired in court?

A. Yes.

Q. Is there anything you care to volunteer to the Court?

A. Except that my nephew went to City College.

Q. When did he get out of City College?

A. About four years ago.

Q. By reason of the fact that your nephew went to City College, is there any reason why you feel you couldn't render a verdict based on the evidence and the evidence alone, if it appears at the trial that some of the defendants also went to City College?

A. Oh, no; it wouldn't have any bearing on it at all.

[fol. 63] The Court: Now, Mr. Friedlander, you wanted to communicate something to me?

Mr. Friedlander: (11) Yes. I couldn't quite understand one of your questions, and I would like to state that the company I am connected with was an agent for the Rubber Reserve Company during the war.

By the Court: (To Mr. Friedlander)

Q. By reason of such association on your part and this work which the company did, do you feel that you could

nevertheless sit in this case with propriety and render a verdict based upon the evidence and the evidence alone?

A. Yes, sir.

Q. What was the name of that company?

A. Nat E. Berzen.

Q. What is their work?

A. Dealers in scrap rubber and crude rubber.

The Court: Very well, you may be seated.

Now, I shall continue, ladies and gentlemen. I would like to have your attention, please.

Has any juror or any relative or close friends of any jurors ever been the subject of any investigation or accusation by any Committee of Congress, by any grand jury, federal or state?

(Prospective jurors indicated in the negative.)

[fol. 64] The Court: Do you know any Congressman, who is now or has been a member of the House of Representatives Committee on Un-American activities, or any present or former employees of that committee, or investigators for that committee?

(The prospective jurors indicated in the negative.)

The Court: Have you or any one you know ever testified before or given information to the House Committee on Un-American Activities?

(Prospective jurors indicated in the negative.)

The Court: Have you ever read any reports or transcripts of the hearings of the House Committee on Un-American Activities, or read any part of the publication of the Committee entitled "Report of Soviet Espionage Activities in Connection With the Atom Bomb"?

(Prospective jurors indicated in the negative.)

The Court: Has any juror such prejudice or bias against the House Committee on Un-American Activities, the Joint House-Senate Atomic Energy Committee, or Atomic Energy Commission that it would so influence your judgment, that you would be unable to arrive at a just and honest verdict?

(Prospective jurors indicated in the negative.)

The Court: Have you ever formed or expressed any [fol. 65] opinion concerning the work of the House Committee on Un-American Acitvities?

(Prospective jurors indicated in the negative.)

The Court: Have you ever been subject or do you expect to be subject to what is commonly known as the "loyalty oath"?

(Juror No. 9 raised his hand.)

By the Court: (To juror 9)

Q. Yes?
A. I am assigned to the Office of Civilian Defense.
Q. You are Mr. Boyle?
A. Boyle, No. 9.
Q. You have signed for Civilian Defense, City of New York?
A. That is right.

The Court: Has anybody got any prejudice or bias against the Government's loyalty program?

(Prospective jurors indicated in the negative.)

The Court: Has any juror or member of his family or close personal friend ever attended an educational institution which was supported, either directly or indirectly, by either the Russian Government, the Communist Party or any affiliated Communist Party association or Communist Front Organization?

(Prospective jurors indicated in the negative.)

The Court: Does any juror believe in or belong to any organization which is dedicated to or teaches or advocates [fol. 66] the overthrow of the Government of the United States by force and violence?

(Prospective jurors indicated in the negative.)

The Court: Has any member of the jury at any time indicated support of the Communist Party or signed a Communist Party petition, or signed an election petition nominating Benjamin J. Davis to public office?

(Prospective jurors indicated in the negative.)

The Court: Was any juror born in or has any juror resided or visited in Russia or any of the Russian satellite countries, or has any member of his or her family done so?

Mrs. Pincous: (Juror No. 3) I believe my father-in-law was born in some part of Russia. I don't know where.

By the Court: (To Mrs. Pincous)

Q. What is his name?
A. He is dead.
Q. What was his name?
A. Henry Pincous.
Q. Have you ever had any discussions with your father-in-law prior to his death concerning Russia?
A. No.
Q. Or any of the matter which is before the Court today, which in any way would prejudice you either for or against any of the parties to this action?
A. No, he was here for many years.
[fol. 67] Q. Was he a naturalized citizen?
A. Yes.

The Court: Has any juror or member of your family ever worked for the Russian Government, either in Russia or elsewhere, or has any juror ever worked for any Russian relief agency?

(Prospective Jurors indicated in the negative.)

The Court: Have you at any time been a member of, made contribution to or been associated in any way with any business or religious organizations or labor organizations, or organizations of any character, which were supported either directly or indirectly by the Communist Party, or whose officers or representatives have made any expressions of advocacy of or friendliness towards the Communists or Communism in general, on the one hand; or of opposition or hostility to Communists and Communism, on the other hand, which expressions you have read or heard in any manner?

(Prospective jurors indicated in the negative.)

The Court: Now, the question is whether anybody has belonged to any business or religious organization or any organizations of any kind which advocates or wherein expressions have been made, either friendly to Communists or Communism, or opposed to Communists or Communism?

Mr. Jordan: (Juror No. 4) The American Legion.

By the Court: (To juror 4)

Q. Now, would the fact, Mr. Jordan, that the American [fol. 68] Legion has made some expressions on the subject influence you, or have you been so influenced, that in a case of this character you couldn't come in here with an open mind and decide it upon the evidence and the evidence alone?

A. No, your Honor. It has been many years. I belonged to it for 20 years, but in the last 13 years I haven't belonged.

Q. And you feel you can conscientiously perform your duty as a citizen and decide this case based on the evidence and the evidence alone?

A. I do, your Honor.

The Court: Is that the general feeling of each and every member of the jury? If it is not, will you please speak up?

(Prospective jurors nodded in the affirmative.)

The Court: Have you at any time been a member of, made contributions to or been associated in any way with business or religious organizations, or organizations of any character, in connection with the activities of which you have formed any opinions or impressions as to the merits of this charge, unfavorable either to the Government or to any of the defendants, which would prevent or hinder you from holding your mind fully open until all the evidence and the instructions of the Court are completed?

(Prospective jurors indicated in the negative.)

The Court: At the defendants' request, I ask you if upon [fol. 69] a consideration of all the evidence and the instructions of the Court you believe that the Government has not

proved its charges beyond a reasonable doubt, would the fact that the defendants asserted their constitutional privilege against testifying as to matters which may tend to incriminate them influence you to bring in a verdict against them?

(Prospective jurors indicated in the negative.)

The Court: Would the fact that Harry Gold, David Greenglass or any other witness for the Government, who have confessed to espionage for the Soviet Union, so prejudice you that you would be unable to accept as truthful anything these witnesses might testify to?

(Prospective jurors indicated in the negative.)

The Court: On the other hand, would you give the testimony of such a witness greater weight than that of an ordinary witness?

(Prospective jurors indicated in the negative.)

The Court: In determining the truth or falsity of the testimony of any witness, would you, in accordance with the instructions of the Court, submit the testimony of such witnesses to the same scrutiny, attested by the same standards, whether the witness was called by the defense or by the prosecution?

(Prospective jurors nodded in the affirmative.)

[fol. 70] The Court: For the record, there are some questions that I notice would require an affirmative answer. Where there is no answer at all in connection with such questions, let the record show that the jurors did not volunteer anything adverse.

Now, I am continuing the same question: Whether the witness is or was with the Department of Justice or Federal Bureau of Investigation, generally known as the FBI, or whether the witness was or is a member of the Communist Party, the question is whether you were to form the same weight to that type of witness as you would another type of witness?

Prospective Juror No. 8: I am afraid I wouldn't be able to do that.

The Court: Very well, you may be excused.

The Cler-: William H. Fritz excused.
William Ciner, Juror No. 8.

(Mr. Ciner takes seat No. 8 in the jurybox.)

By the Court:

Q. Mr. Ciner, have you heard everything that transpired in court today?
A. I have, your Honor.
Q. Is there anything you care to volunteer?
A. No, sir.

The Court: Now, I shall re-read that question.
In determining the truth of falsity of the testimony of any [fol. 71] witness, would you, in accordance with the instructions of the Court, that is when the time comes for me to instruct the jury, accept my instructions on the subject of submitting the testimony of such witnesses, to the same scrutiny, attested by the same standards, A, whether the witness was called by the defense or by the prosecution; B, whether the witness is or was an employee of the Department of Justice or the Federal Bureau of Investigation, generally known as the FBI, or whether the witness is or was a member of the Communist Party; and, C,—well just up to that point, I will pause right there. Will you accept my instructions on the subject? I want to advise you also that unless you feel in good conscience that you will accept my instructions with respect to anything that I decide I should instruct the jury upon, unless you feel that you will accept my instructions, even though it may not accord with what you feel should be the law on the subject, you feel you cannot accept my instructions, you have no place on the jury and I wish you would speak up right now.

(Prospective jurors nodded in the affirmative.)

The Court: Has any juror formed an opinion with regard to the truthfulness or veracity of any possible witness or party?

(Prospective jurors indicated in the negative.)

[fol. 72] The Court: Do you subscribe to the principle that every one, regardless of race, color, creed or position

in society, and regardless also of his political or religious beliefs, is entitled to a fair trial, according to our laws?

(Prospective jurors nodded in the affirmative.)

The Court: Has any juror any prejudice, bias or sympathy, based solely upon a person's educational background or personal appearance?

(Prospective jurors indicated in the negative.)

The Court: If you were selected as a juror and came to the conclusion that a verdict of not guilty was required by the evidence, in accordance with the instructions of the Court, would you be embarrassed in arriving at or rendering a verdict of not guilty because of your employment or by reason of your membership in or affiliation with any church, political party, club, society, or any other organization of any kind whatsoever, or in any other manner?

(Prospective jurors indicated in the negative.)

The Court: Is there anything that has happened in connection with this case which would give you any fear or hesitancy in declaring the defendants not guilty, if the evidence in law warranted such a verdict?

(Prospective jurors indicated in the negative.)

The Court: For example, has anyone claiming to be a [fol. 73] Government official or FBI agent spoken to you or any member of your family or friends?

(Prospective jurors indicated in the negative.)

The Court: Would any of you have any difficulty in giving both the defense counsel and the prosecuting attorney an equally respectful hearing in this case?

(Prospective jurors indicated in the negative.)

The Court: Will you consider the evidence in this case, in so far as it applies to each one of the defendants, individually, in connection with his or her individual guilt or innocence, and render verdicts as to each of them purely on the evidence as it affects each one individually - and I will deal with that at greater length in my charge?

(Prospective jurors nodded in the affirmative.)

The Court: Has any juror such bias or prejudice or predisposition of any kind with respect to the Government or the defendants, or do you know any reason which would prevent you from trying a case of this character fairly and impartially and reaching a verdict solely on the evidence presented in court and the law as contained in the instructions and rulings of the Judge?

(Prospective jurors indicated in the negative.)

The Court: Now, I shall call on each one of the jurors to [fol. 74] tell me something about their occupation or occupation of the family, and I don't want you to hesitate in speaking up, because, as I have told you before, we are not attempting to pry into your personal business, but everybody concerned in the litigation is entitled to know something about your background.

Now, Mr. Ryan, would you tell us what your occupation is?

Mr. Ryan: I am vice-president of the International Printing Ink Corporation. They are manufacturers of printing ink. I am in charge of their newspaper department, throughout the United States.

By the Court:

Q. Are you married?
A. I am married; yes, your Honor.
Q. Have you any family?
A. I have one son, who is a dentist.
Q. You son is a dentist?
A. That's right.
Q. He has his own office, has he?
A. His own office, here at 264 Lexington Avenue.
Q. Now, Mr. Cuff, what is your occupation?
A. I am a switchman with the New York Telephone Company.
Q. Are you married?
A. Yes, sir.
Q. Have you any children?
[fol. 75] A. I have four children.
Q. I take it they are all too young to work?

A. Much too young.
Q. Your wife does not work?
A. No, she doesn't.
Q. Does your wife work, Mr. Ryan?
A. No.
Q. Mrs. Pincous, are you employed at the present time?
A. No.
Q. You are a housewife?
A. Yes.
Q. What does your husband do?
A. Insurance broker.
Q. What is the name of his firm?
A. It is under his own name, Joseph S. Pincous.
Q. Is he a life insurance agent?
A. General agent.
Q. General agent?
A. Yes.
Q. What companies does he work with?
A. Well, he is a general broker, I should say.
Q. Mr. Jordan?
A. I work in the securities cage of W. E. Burnet Company, 11 Wall Street, in charge of nine men. I have been there six years. I have two children, one in high school, one in public school.
Q. What school do they attend?
A. One goes to DeWitt Clinton High School and the other one goes to, I believe, P.S. 113, Bronx.
[fol. 75a] Q. I take it your wife is not employed?
A. No, sir.

[fol. 76] By the Court:

Q. Mr. Farrell?
A. United Cigar Whelan Store Corporation.
Q. In what capacity?
A. I work in both drug sales and cigar sales.
Q. You live at home with your wife?
A. No. I am single. I live home with my mother.
Q. Mr. Philbrick?
A. My occupation is that of placement manager in a very small employment agency. I have the mail desk.
Q. What is the name of the agency?

A. Castle Hill Personnel Service.
Q. Are you married?
A. 301 Madison. Yes.
Q. Have you any children?
A. No children.
Q. You live at home with your wife?
A. Yes. My wife is a secretary.
Q. Whom does she work for?
A. She is a church secretary.
Q. What church?
A. Christian Science.

By the Court:

Mr. Piper?
A. I am not employed at this moment.
Q. What was your employment?
A. My business was that of exporting and importing, Latin American countries.
Q. What type of products?
[fol. 77] A. General merchandise and produce.
Q. When was the last time you were engaged in that?
A. In the export it was in 1948.
Q. Had that been your occupation all of your life?
A. Yes, mostly, banking is another line.
Q. You live at home with your wife, do you?
A. Yes, sir.
Q. Any children?
A. I have a stepson; he is in the Army now.
Q. Presently in the Army?
A. Yes.

By the Court:

Q. Mr. Ciner?
A. Branch office manager for Western Union Telegraph; married; wife unemployed.
Q. A minor child?
A. One child three and a half years old.
Q. Mr. Boyle?
A. Employed by myself.
Q. You live at home with your wife, do you?
A. No. I am a bachelor.

Q. You are a bachelor?
A. Yes.
Q. You have this apartment, do you?
A. Yes.
Q. At 4346 Martha Avenue, Bronx?
A. Yes.
Q. Mr. Miclo?
A. New York Telephone Company, in the plant department.
Q. How long have you been employed in that department?
[fol. 78] A. Twenty-two years.
Q. Married?
A. Yes.
Q. Any children employed?
A. I have a son 14 years old.
Q. He goes to school?
A. Yes.
Q. Mr. Friedlander?
A. I am vice-president in Nate Berzen Company.
Q. Married?
A. Married, three children.
Q. Will you tell us once again what the business of Berzen is?
A. It deals in scrap rubber and crude rubber.
Q. How long have you been with them?
A. 27 years.
Q. How old did you say the children were?
A. My oldest daughter is 13, I have another daughter 11 and a son five.
Q. All at school?
A. All in school.
Q. Mr. Baring-Gould?
A. I am employed in the circulation department of Time, Incorporated Magazine, publishers; married, two small children.
Q. How long have you been with Time?
A. About fourteen years this month.
Q. And I believe you told us that prior to that time you were with the Hearst Organization?
A. That is correct.
Q. Are you married?

A. Yes, I am.
Q. Is your wife employed?
A. No, she is not.
[fol. 79] Q. Any children who work?
A. Yes, I have children; one seven and one three.

The Court: Did you want to ask something?
Juror No. 3: I have one son. I don't think I mentioned that. He goes to Stuyvesant High School.
The Court: How old is he?
Prospective Juror No. 3: Sixteen.
The Court: Very well.

(The following discussion took place at the bench.)

Mr. E. H. Bloch: I have three types of follow-up questions, one, where it generally applies to the entire panel and the others to specific jurors. I have just a few questions of the general type, in regard to the specific individuals on the jury by virtue of some of the answers and some of the background that has been developed. How would your Honor care to have me go about it?
The Court: Very brief, are they?
Mr. E. H. Bloch: I don't think they are going to be very long.
The Court: If they are very brief, I will permit you to ask them. Address them to me and if I think they are all right, I will allow them.
Mr. E. H. Bloch: I was wondering whether or not I should address myself by asking the Court to ask in the questions propounded, Question No. so-and-so, or would you [fol. 80] rather——
The Court: All right, suppose you state it in that fashion.
Mr. E. H. Bloch: All right.
Mr. Saypol: Without extending the verbiage of the question, without stating the text.
The Court: He will mention it by number.
Mr. E. H. Bloch: I think that would be fair.

(The following took place in open court:)

Mr. E. H. Bloch: If your Honor please, at this time I would like to ask your Honor to direct certain inquiries to the entire panel, and I believe that these questions will apply

generally to all the jurors, and then I am going to ask your Honor after asking these general questions to ask specific questions of specific jurors, by virtue of some of the answers that have been elicited.

I ask the Court to inquire of the general panel the question propounded as No. 6 of the proposed voir dire questions submitted to the Court to be asked by the defendants Julius Rosenberg and Ethel Rosenberg.

The Court: Well, I believe that I have covered that sufficiently, but if you want it asked that way I will ask it.

Mr. E. H. Bloch: I would appreciate that.

[fol. 81] The Court: Would the fact that a conviction in this case may subject the defendant to capital punishment prevent you in any way from performing your sworn duty as a juror, or basing your verdict solely on the evidence as presented here in court?

Mr. E. H. Bloch: I am sorry, your Honor, you may be reading from a different proposed question submitted by some co-defendant.

The Court: You are quite right.

Mr. E. H. Bloch: I am referring to one submitted by the defendants Rosenberg, No. 6.

The Court: All right I believe that has been covered generally but I will ask it again.

Mr. Saypol: May I interrupt. I have no objection to the question being asked but it seems to me that this in this text is a non sequitur, if you will read the first clause and the second.

The Court: Well, it is a non sequitur. Have you ever been the victim of any crime?

(Prospective jurors indicated negatively.)

The Court: Have you ever been a witness in a criminal case?

A Prospective Juror: I have been the victim of a crime. I was in a holdup about three weeks ago.

By the Court:

[fol. 82] Q. Would the fact that you were the victim of a hold-up in any way prejudice you in serving in this type of case?

A. No, your Honor.

The Court: Has anybody had such an unpleasant experience with the administration of criminal law which would prevent them from keeping an open mind in this type of case, and giving a verdict based on the evidence and the evidence alone?

(Prospective jurors indicated negatively.)

Mr. E. H. Bloch: I am going to ask your Honor to ask the jurors the question as set forth in item 22 of the proposed questions, submitted on behalf of the defendants Julius and Ethel Rosenberg.

The Court: That has been covered amply. I asked 21. 22 follows from that. And I also asked——

Mr. E. H. Bloch: It is the contemplation part of it, your Honor, that I don't believe has been covered.

The Court: I asked, Have you ever been subject or do you expect to be subject?

Mr. E. H. Bloch: I am sorry. Then my memory didn't serve me correctly. I will withdraw the request. I am going to ask your Honor to ask the question set forth at 51.

The Court: That has been covered substantially.

Mr. E. H. Bloch: I respectfully except. I ask your [fol. 83] Honor to ask the questions set forth in Nos. 61 and 62 of the proposed questions submitted by the Rosenbergs.

The Court: That is declined.

Mr. E. H. Bloch: I respectfully except. Will your Honor bear with me. I am just going down this and trying to save time here. I ask your Honor to ask the question set forth as item No. 68.

The Court: Oh, I asked it just that way as a matter of fact.

Mr. E. H. Bloch: I am sorry.

The Court: I asked that.

Mr. E. H. Bloch: I am sorry. I misstated it. I meant 69.

The Court: Oh, I decline it. I will deal with that on their deliberations subsequently.

Mr. E. H. Bloch: I respectfully except. I ask your Honor to ask the question set forth in 70?

The Court: No, I decline to ask it in that fashion. I think I have covered it generally and will cover this matter of the verdict of the jury subsequently in my charge.

Mr. E. H. Bloch: I respectfully except. And I ask with respect to item 74.

The Court: That is declined.

Mr. E. H. Bloch: I respectfully except. Now I ask your [fol. 84] Honor to ask Juror No. 4, whether in the course of his duties as a policeman for eighteen years he ever prosecuted a defendant and appeared as a witness against him in court?

The Court: You may consider that question put to you.

Prospective Juror No. 5. Will you repeat that last part?

By the Court:

Q. Did you ever appear as a witness, as a prosecuting witness in court during the years you were a police officer?

A. I did.

Mr. E. H. Bloch: I just call your Honor's attention: there must be a conflict between this last question and the question which you propounded to the general panel where you specifically asked each and every juror whether he had ever been a witness in court.

Prospective Juror No. 5: Your Honor, could I speak on that?

The Court: Yes.

Prospective Juror No. 5: You asked the question in a criminal case. No, I wasn't called as a witness in these criminal cases. Therefore I did not appear as a witness. So it is clear, that question, the way I answered it.

[fol. 85] By the Court:

Q. What are you referring to now?

A. He is talking maybe about a misdemeanor.

Q. That is the way you understood it? In other words, you have never appeared as a prosecuting witness in a so called felony case?

A. To my knowledge, no, sir, I wasn't called.

Mr. E. H. Bloch: But in misdemeanor cases?

Prospective Juror No. 5: Yes.

Mr. E. H. Bloch: Now I would like to ask the Court to ask the same juror about how many times he appeared as

a witness during his service as a policeman against defendants in these cases?

The Court: Give us a rough estimate.

Prospective Juror No. 5: Your Honor, would you call a summons case a misdemeanor case?

The Court: Give counsel the benefit of the doubt and call it a misdemeanor case.

Mr. E. H. Bloch: Well, I will accept that, of course.

By the Court:

Q. About how many, approximately?

A. Well, if you are including summonses, your Honor——

Q. I will include summonses?

A. Several hundred.

Mr. E. H. Bloch: May I ask your Honor whether I should [fol. 86] exercise a challenge for cause now at this time with respect to this juror or continue asking your Honor to ask other jurors specific questions?

The Court: No. I want you to first ask whatever questions you want. Then you will take your three challenges together.

Mr. E. H. Bloch: Will you bear with me one moment? I would like your Honor to ask Juror No. 2, who has stated that he has a brother who is on the police force in a small town, I believe he said, whether he has ever discussed with his brother policeman the type of work his brother does, or the evidence in any cases where his brother testified, or generally whether he has ever discussed with his brother the problems of law enforcement.

The Court: You may consider that question put to you.

Prospective Juror No. 2: Well, sir, he isn't on the force very long. I think probably it mostly has to do with traffic control.

Mr. E. H. Bloch: What?

Prospective Juror No. 2: Traffic control. That is, he usually rides in a patrol car on the streets of the town and of course controls traffic.

The Court: He says he isn't on the force very long and his problems deal mostly with traffic control.

[fol. 87] Mr. A. Bloch: May I ask, if your Honor please, that the questions submitted by the defendants Rosenberg

be marked for identification just for the purposes of the record.

The Court: All right.

(Marked Defendants' Exhibit A for identification.)

Mr. E. H. Bloch: With respect to Juror No. 12 I would like the Court to ask the Juror whether or not he subscribes to the editorial policy of his employer?

The Court: Well, now, what have you reference to? Editorial policy with respect to what?

Mr. E. H. Bloch: With respect to foreign policy of the United States and the policy adopted by his employer generally in the field of international relations.

The Court: You may consider that question put to you.

Prospective Juror No. 12: In general, I believe I do.

Mr. E. H. Bloch: I would like the Court to ask this same juror whether or not during his association as an employee of Time-Life Magazine he knew or came to know Whitaker Chambers?

Prospective Juror No. 12: I knew him by sight only.

Mr. E. H. Bloch: I think that is all on that juror.

[fol. 88] Mr. Kuntz: If your Honor please, may I on behalf of the defendant Sobell join in the request to ask the jurors those questions that Mr. Bloch covered which your Honor denied, and may we have the benefit of an exception to your Honor's ruling.

The Court: Well, I don't see why that should inure to your benefit. You submitted separate questions, and I believe I have covered practically every one of those, if I haven't covered every one.

Mr. Kuntz: That is true, but if you will notice, there are two sets of questions. We purposely took Mr. Bloch's questions and were careful not to have repetition. In other words merely have a copy——

The Court: They may inure to your benefit for this particular purpose, but if you want us to consider this case as a separate case, as far as Sobell is concerned, you submit separate questions as you have here. I think it is fair to assume that you want all your particular questions asked and that you don't have any particular interest in the questions that Mr. Bloch wants asked.

Mr. Kuntz: I take it of course that we didn't want repeti-

tion of these questions and we started out with that purpose in mind.

The Court: I will permit any objection which has been made with respect to the questions that I refused to ask [fol. 89] in the form requested, to inure to your benefit.

Mr. Kuntz: Thank you very much.

Mr. E. H. Bloch: If the Court please, I challenge Juror No. 4 for cause.

The Court: Denied.

Mr. E. H. Bloch: I respectfully except. I challenge Juror No. 2 for cause.

The Court: Denied.

Mr. E. H. Bloch: I challenge juror No. 12 for cause.

The Court: Denied.

Mr. E. H. Bloch: Exception. I now exercise peremptory challenges as against Juror No. 4——

The Court: You waive the other two, you know.

Mr. E. H. Bloch: No, I am not finished.

The Court: Go ahead.

Mr. Kuntz: We are put in a somewhat anomolous position. I think your Honor has ruled that we are to exercise peremptory challenges jointly.

The Court: Correct.

Mr. Kuntz: And I suggested to Mr. Bloch before he exercised any peremptory challenges——

The Court: That he consult you.

Mr. Kuntz: Yes.

[fol. 90] (Mr. E. H. Bloch and Mr. Kuntz confer.)

Mr. Saypol: There is evidently some slight degree of artificiality here but I suggest if counsel approach the bench perhaps I can help the defendants on this question of exercising their challenges.

The Court: No, I don't think we need to do that.

Mr. E. H. Bloch: All right. There seems to be concurrence now, your Honor. The defendants peremptorily challenge Jurors Nos. 2, 4 and 12.

The Court: All right. Now in the future on your challenges I ask you to please consult one another.

(The following jurors were excused: Baring-Gould, Jordan and Cuff.)

Carl O. Roach, Raymond Mitchell and Emil Hauser were called as prospective jurors.

The Court: Now, Mr. Roach, Mr. Mitchell and Mr. Hauser, did you hear everything that transpired in court today?

(Prospective Jurors 2, 4 and 12 nodded in the affirmative.)

The Court: Is there anything that either of you care to volunteer to the Court?

Prospective Juror No. 2: Firstly, I am a graduate of the College of the City of New York.

[fol. 91] By the Court:

Q. You heard me state that I understand that some of the defendants are graduates of City College of the City of New York. Would that fact in any way prejudice you either for or against?

A. No, sir, it would not. Secondly, for a period of three months I was a subscriber to the publication, National Guardian.

Q. What period of time did that cover?

A. I believe it was in 1950, sir.

Q. And by reason of what you read in the National Guardian have you become so prejudiced and biased against the Government or the defendants that you could not keep your mind open or render a verdict based on the evidence?

A. No, sir.

Q. Is that all?

A. That is all.

By the Court:

Q. Yes, Mr. Mitchell.

A. I think I would be biased.

The Court: All right. You are excused.

(Raymond Mitchell excused.)

JAMES A. GIBBONS was called as a prospective juror.

By the Court:

Q. Mr. Gibbons, did you hear everything that transpired in the court?

A. Yes, I did, your Honor.

[fol. 92] Q. Is there something you want to volunteer?

A. Yes. I think you asked a question there about belonging to religious organizations or groups?

Q. Yes.

A. Or labor oragnizations?

Q. That is right.

A. I am connected with the CIO.

Q. Well, my question went further than that. It asked whether there was anything advocated at any of these groups either pro-Communism or against Communism which has become so embedded in your mind that you feel you can't conscientiously keep your mind open and render a verdict here based on the evidence?

A. Oh, no. I have a clear mind.

Q. Mr. Hauser?

A. No questions.

Q. I notice you have a very unusual occupation. You are a trouble man.

A. That is a sort of title. It means switchman.

Q. By whom are you employed?

A. New York Telephone Company.

Q. How long have you been with them?

A. Twenty-seven years.

Q. Are you married?

A. Widower.

Q. Any children?

A. One child.

Q. How old is the child?

A. Eight years of age.

Q. Goes to school, I take it?

A. Yes.

Q. Mr. Gibbons, what is your occupation?

[fol. 93] A. Bookkeeper and accountant.

Q. For whom?

A. New York City Omnibus.

Q. How long have you been with them?
A. Twenty-eight years.
Q. Are you married?
A. Married, two children.
Q. How old?
A. One six and one ten.
Q. Both go to school?
A. Yes.
Q. Your wife is home?
A. Yes.
Q. Mr. Roach?
A. I am an engineer, sir, employed by the New York State Department of Labor. I am married. I have two children. They are of pre-school age.
Q. Your wife is home or does she work?
A. She is home.

Mr. Kuntz: If your Honor please, I don't recall whether I took exception to your Honor's ruling on behalf of Sobell, failing to excuse——

The Court: Those three jurors?

Mr. Kuntz: On the challenge for cause, may we have an exception, sir.

The Court: Yes.

Mr. Kuntz: Thank you, sir.

(Carl O. Roach and Mrs. Edna S. Pincous excused.)

(Richard C. Dennis and Mrs. Esther Field called as prospective jurors.)

The Court: Mrs. Field and Mr. Dennis have you heard [fol. 94] everything that transpired so far in court?

(Prospective jurors nod in the affirmative.)

The Court: Is there anything either of you care to volunteer to the Court?

Mrs. Field: My son-in-law went to City College, my uncle; my father was born in Hungary. My husband was born in Russia.

By the Court:

Q. Your husband was born in Russia?
A. Yes.

Q. Well, now, let us take the birth of your husband in Russia. How long has he been in this country?

A. I don't know exactly. Quite a long time.

Q. Is he a naturalized citizen?

A. I believe so.

Q. By reason of your son-in-law having gone to City College and what other relative was it?

A. My uncle.

Q. Your uncle having gone to City College?

A. Yes.

Q. And your husband's birth in Russia?

A. That would have no bearing.

Q. That would have no bearing whatsoever on your judgment of the case based on the evidence?

A. It would have no bearing.

Q. Now, Mr. Dennis, you say there is nothing you care to volunteer?

A. No.

Q. You are an engineer?

A. Yes.

Q. Employed by whom?

[fol. 95] A. They were consulting petroleum engineers.

Q. How long have you been with them?

A. I have been in the business twenty years. For myself only about three or four months.

Q. What was the name of the concern?

A. H. J. Wasson.

Q. You were employed by them?

A. Yes.

Q. Are you married?

A. Yes, sir.

Q. Wife at home?

A. Working.

Q. Your wife works for whom?

A. United States Pulp Producers Association.

Q. Have you any children?

A. No.

Q. Mrs. Field, what does your husband do?

A. He is a rayon converter.

Q. What is the name of his concern?

A. White Mills. I have two children.

Q. Two children, you say?
A. Yes. One married and one goes to college.
Q. What did you do prior to becoming a housewife?
A. I was a secretary.
Q. How long ago was that?
A. Well, over 25 years ago.

Mr. E. H. Bloch: Your Honor, may I just ask a question for clarification. Your Honor has asked a number of general questions of the entire panel here. I am just wonder-
[fol. 96] ing whether or not the jurors who were not sitting in the box at the time your Honor propounded the questions understood that if they were to make an affirmative response or any kind of statement which would be responsive to your Honor's questions, that it was incumbent upon them to do so, even though they sat throughout the room and not in the jurybox.

The Court: I made it perfectly clear. I started by saying I wanted everybody behind the rail to listen so that in the event they were called they would immediately volunteer, upon taking a seat in the jurybox, any response to any of the questions I asked which they felt should call for a response. Now did you understand that to be the case?

Prospective Juror No. 1: Yes.

The Court: Did you, Mr. Dennis?

Mr. Dennis: Yes.

Mr. E. H. Bloch: I wanted to clarify that because I didn't want your Honor to ask the questions already covered which would be repetitious.

The Court: Nor would I intend to repeat them.

Mr. E. H. Bloch: If your Honor please, the defendants have agreed to challenge peremptorily Jurors Nos. 1, 5 and 7.

(Timothy A. Ryan, Matthew Farrell and Paul Piper excused.)

[fol. 97] (Marvin Galbraith Barrett, Mrs. Rhea Kobus and Emanuel Clarence Dean were called as prospective Jurors.)

Mr. E. H. Bloch: Your Honor, I don't want to seem to harp on the same point but some unclarity exists in my

mind about these general questions. For instance you asked all of the jurors whether or not they were ever in the armed forces or are in the armed forces or had any relatives in the armed forces. Of course, I consider that a quite relevant question as to the partiality or impartiality of the jurors. I am not at all convinced despite your implicit instructions that so many jurors here would keep silent outside of the jurors who have been seated.

The Court: You don't understand. I told them not to answer until they go into the jurybox.

Mr. E. H. Bloch: Well, if that is the case, I would like your Honor to repeat that question concerning the armed forces.

The Court: Oh, no. It is perfectly clear and I am sure everybody in the courtroom got it, and I made it clear the second time when you asked that I tell these jurors behind the railing. I told them when we started to make a note of anything I asked that you think calls for a reply, and then only if you are sent for and put in the jurybox are [fol. 98] you to reply.

Mr. E. H. Bloch: Perfectly all right.

The Court: Mr. Barrett, Mrs. Kobus and Mr. Dean, is there anything you care to volunteer? First let me ask you if each of you heard all the proceedings in court this morning?

(Prospective jurors nod in the affirmative.)

The Court: Did you understand that you are to volunteer answers to any of the questions I asked that require some explanation or answer?

(Prospective jurors nod in the affirmative.)

The Court: You did understand that?

(Prospective jurors nod in the affirmative.)

By the Court:

Q. Now let me hear from you, Mr. Barrett?
A. I don't believe in capital punishment.

The Court: You may be excused.

(Marvin G. Barrett excused.)

(George Andrew Myers was called and took his seat as a prospective juror.)

The Court: We will take a short recess at this point and you return to the jurybox in the respective positions in which you are sitting. The ladies and gentlemen of the panel will return to their respective places after the recess.

(Short recess.)

[fol. 99] The Court: Now, Mr. Myers, Mrs. Kobus and Mr. Dean, I am going to ask you all once again, did you hear everything that transpired in the court this morning?

(Prospective jurors nodded in the affirmative.)

The Court: Is there anything that you want to volunteer to the Court?

Mr. Myers: (Juror No. 1) Your Honor, I served as a sergeant in the United States Army and I was employed by the Government as a guard in the Brooklyn Navy Yard, in 1947.

By the Court: (To Juror No. 1)

Q. What period of time were you in the Army?

A. From 1944 to 1946.

Q. Now, despite that service and despite that employment, do you feel you can keep your mind open in this case after everything you have heard and render a verdict based on the evidence and the evidence alone?

A. Yes, sir.

The Court: All right, you may be seated.

Is there anything that Mrs. Kobus wants to volunteer, or Mr. Dean?

(Prospective jurors indicated in the negative.)

By the Court:

Q. Now, Mr. Myers, I notice that right now you are a [fol. 100] stock manager for the W. T. Grant Company?

A. Yes, your Honor.

Q. How long have you been so employed?

A. Two years.

Q. Are you married?
A. Yes, sir.
Q. How old are your children?
A. I have one, seven.
Q. Is your wife employed?
A. She is.
Q. What type of employment?
A. She is a matron at Coro, Inc., a jewelry firm.
Q. Mrs. Kobus, are you married?
A. Yes, sir.
Q. Is your husband alive at the present time?
A. Yes, sir.
Q. What does he do?
A. He is in a millinery concern.
Q. What is the name of his concern?
A. Archie Kobus.
Q. Have you some children?
A. One child, one daughter.
Q. She is married, is she?
A. Married.
Q. What does her husband do?
A. He goes to college.
Q. Which college?
A. Phoenix, Arizona.
Q. What is that, University of Arizona?
[fol. 101] A. Yes, sir.
Q. Mr. Dean, what do you do?
A. I work for the Consolidated Edison Company.
Q. Will you speak up a little louder, please?
A. Consolidated Edison Company, demonstrator.
Q. How long have you been with them?
A. 11 years.
Q. Are you married?
A. No, I am single.
Q. Do you live with your folks?
A. No, I have my own place.
Q. Where do you live?
A. I live at 231 East 75th Street.

The Court: Very well.
The Clerk: George Andrew Myers and Mrs. Esther Fields excused by the Government.

George Tacke, No. 1; Albert Wallace, No. 3.

(Mr. Tacke and Mr. Wallace, prospective jurors Nos. 1 and 3, respectively, took their seats in the jurybox.)

The Court: Mr. Tacke and Mr. Wallace, have you heard everything that transpired in court?

(Prospective jurors nodded in the affirmative.)

The Court: Is there anything you care to volunteer?

(Prospective juror No. 3 raises hand.)

[fol. 102] The Court: Yes, Mr. Wallace?

Mr. Wallace: (Juror No. 3) At one time I was employed by the United States Government as a tractor operator.

The Court: As a what?

Mr. Wallace: Tractor operator.

The Court: Where at?

Mr. Wallace: Brooklyn Army Base.

Mr. Tacke: (Juror No. 1) I was a member of the armed services during the war.

By the Court:

Q. What branch?
A. United States Army.
Q. In what capacity did you serve?
A. Enlisted man.

The Court: Now, do either of you gentlemen feel you can serve without any mental reservations by reason of your former employment or former service in the Army?

(Prospective jurors nodded in the affirmative.)

The Court: Is the answer Yes?

Mr. Tacke: That's right, sir.

By the Court:

Q. Mr. Tacke, you are with the Burrows Wellcome Company?
A. I am a purchasing agent.
Q. That is a drug house, isn't it?
A. That's right, sir.

[fol. 103] Q. Are you married?
A. I am.
Q. Any children?
A. No children.
Q. Is your wife employed?
A. She is.
Q. By whom?
A. She is a secretary for Air Reduction Sales Company.
Q. Mr. Wallace, you are a longshoreman?
A. I am.
Q. For the United Fruit Company?
A. That's right.
Q. How long have you been so engaged?
A. Pretty near four years.
Q. Are you married?
A. I am.
Q. Is your wife employed?
A. As a domestic.
Q. As a domestic?
A. Yes.
Q. Have you any children?
A. One.
Q. School age?
A. Yes.

The Court: Very well.

Mr. E. H. Bloch: If the Court please, on this third round all of the defendants have agreed to challenge peremptorily Jurors Nos. 1, 2 and 10.

The Court: Very well.

The Clerk: George Tacke, Richard C. Dennis and Victor Miclo excused by the defendants.

Albert E. Molsahn, No. 1, Morris Haber, No. 2, John C. Moorcroft, No. 10.

[fol. 104] (Messrs. Molsahn, Haber and Moorcroft, prospective jurors 1, 2 and 10, respectively, took their seats in the jurybox.)

The Court: Mr. Molsahn, Mr. Haber and Mr. Moorcroft, did you hear all of the proceedings in court today?

(Prospective jurors nodded in the affirmative.)

The Court: Is there anything that you care to volunteer?

Mr. Molsahn: (Juror No. 1) I believe my naval service in the last war would make me prejudiced.

The Court: Would make you prejudiced?

Mr. Molsahn: Yes, sir.

The Court: You may be excused.

The Clerk: Albert E. Molsahn excused.

John C. Gorman, No. 1.

(Mr. Gorman, prospective juror No. 1, took his seat in the jurybox.)

By the Court: (To juror 1)

Q. Mr. Gorman, is there anything you care to volunteer?

A. I am a veteran of the last World War.

Q. Despite that service, would you still be able to keep your mind open and adjudicate this case on the evidence as it is?

A. Yes, your Honor.

[fol. 105] Q. (To juror 2) How about you, Mr. Haber, can you decide this case on the evidence?

A. Yes, sir.

Q. (To juror 10) And you, Mr. Mooreroft?

A. I am a veteran, too, sir.

Q. Despite your service—in what branch was that?

A. Army, sir.

Q. Could you, despite your service in the Army, decide this case on the evidence and the evidence alone?

A. Yes, sir.

Q. Mr. Gorman, I notice you are employed by the American Cyanamid Company?

A. That's right, sir.

Q. In what capacity?

A. Accounting supervisor.

Q. Are you married?

A. Yes, your Honor.

Q. Have you any children?

A. Two; nine and six months.

Q. Is your wife employed?

A. No, your Honor.

Q. Mr. Haber, tell us about your family, please.

A. I have three children; one is 20, one is 16 and one is 11.

Q. What does your son of 20 do?

A. He is now learning a trade, going to school, learning a trade.

Q. Learning what trade?

A. Carpentry.

Q. Carpentry?

A. Yes.

Q. What school does he go to?

A. He went to Public School 76.

Q. Where does he go now?

[fol. 106] A. Now he is on 23rd Street, Handicap Division.

Q. What is the name of the school?

A. Handicap Division.

Q. Oh, your son is handicapped?

A. That's right.

Q. How about your child of 16?

A. 16, goes to Evander Childs High School; and the girl of 11, P. S. 76.

Q. And your wife is at home?

A. In the house.

Q. You are a furrier?

A. That's right.

Q. With what company?

A. Rudisch & Hoffritz.

Q. How long have you been with that firm?

A. Three years.

Q. Were you a furrier before that, too?

A. That's right.

Q. With what firm were you?

A. Goodman & Sillinger, 13 years.

Q. Mr. Moorcroft, you are a brakeman with the Erie Railroad?

A. That's right.

Q. How long have you been employed as such?

A. Six years, sir.

Q. Married?

A. Yes, sir.

Q. Children?

A. Two children, one 15 and one 11.

Q. Both go to school?

A. Yes, sir.
Q. Your wife is a housewife?
A. Yes, sir.

The Court: Very well.
[fol. 107] The Clerk: Morris Haber and Albert Wallace excused by the Government.

George Henry Dunning, No. 2; Howard G. Becker, No. 3.

(Messrs. Dunning and Becker, prospective jurors 2 and 3, respectively, took their seats in the jurybox.)

By the Court:

Q. Gentlemen, you have heard all of the proceedings in court, have you?

(Prospective jurors nodded in the affirmative.)

Q. Is there anything either of you care to volunteer?

(Prospective jurors indicated in the negative.)

Q. Mr. Dunning, you are a heating consultant with the Scarsdale Supply Company?
A. Right.
Q. Are you married?
A. Yes, sir.
Q. How long have you been married?
A. 42 years.
Q. Have you any children?
A. Two married children, a boy and a girl.
Q. What does your son do?
A. He is general manager for the Circle Construction Company, in North White Plains.
Q. That is general construction, building construction?
A. Yes.
Q. And your daughter is a housewife?
[fol. 108] A. Housewife, yes.
Q. What does her husband do?
A. He is with a greeting card company in White Plains.
Q. Greeting card company?
A. Yes.
Q. (To juror No. 3) Mr. Becker, what is your employment?

A. I am with the Irving Trust Company, auditor.
Q. How long have you been with them?
A. 24 years.
Q. Married?
A. Yes, sir.
Q. How long?
A. 14 years.
Q. Is your wife at home?
A. Yes, sir.

The Court: Very well.

Mr. E. H. Bloch: If your Honor pleases, at this time I am going to ask your Honor to ask a question of those jurors who have stated that they were in the armed services in the last World War, and ask them whether or not they have any bias or prejudice against any men of the age group that were eligible for Selective Service but who were not in the active armed forces of the United States?

The Court: You may consider that question asked of you, and I want the entire panel to consider that question put to them also. If you didn't hear it, will you raise your hand, please.

[fol. 109] (Hands raised.)

The Court: Very well, the question is this: Would anybody have any prejudice or bias against anybody who is of the age group that could have seen service but didn't see service for any reason whatsoever? Would you have any prejudice or bias by reason of that fact?

(Prospective jurors and panel indicated in the negative.)

The Court: All right, there is no reply.

Mr. E. H. Bloch: Thank you.

If you Court pleases, on this fourth round, the defendants jointly exercise their privilege of challenging peremptorily Jurors Nos. 1, 2 and 12.

The Clerk: John C. Gorman, George Henry Dunning and Emil Hauser excused by the defendants.

Julian M. Walldorf, No. 1; Richard Booth, No. 2; Miss Cicili Amy Nugent, No. 12.

(Messrs. Walldorf, Booth and Miss Nugent, prospective jurors Nos. 1, 2 and 12, respectively, took their seats in the jurybox.)

The Court: These jurors who have just taken their place in the box, did you hear everything that transpired this morning?

(Prospective jurors nodded in the affirmative.)

The Court: Is there anything that you believe you could [fol. 110] volunteer to record?

(Mr. Walldorf raises hand.)

The Court: Yes, Mr. Walldorf?
Mr. Walldorf: I am opposed to capital punishment.
The Court: You may be excused.
The Clerk: Julian M. Walldorf excused by the Court.

Vincent J. Lebonette, No. 1.

(Mr. Lebonette, prospective juror No. 1, takes his seat in the jurybox.)

By the Court:

Q. Mr. Lebonette, did you hear everything that transpired in court?
A. Yes, your Honor.
Q. Is there anything you care to volunteer?
A. I am a veteran of the last World War, sir.
Q. Mr. Booth, is there anything you care to volunteer?
A. Not a thing, sir.
Q. Miss Nugent?
A. Nothing.
Q. Now, Mr. Lebonette, by reason of your service as a veteran, do you feel that you can render a verdict based on the evidence and the evidence alone in this case?
A. Yes, your Honor.
Q. I see you are a department manager for R. H. Macy & Company?
A. Yes, your Honor.
[fol. 111] Q. White Plains branch?
A. Yes.
Q. Are you married?
A. Yes, your Honor.
Q. How long have you been married?
A. Eight years.
Q. Is your wife employed?

A. No, sir.
Q. Mr. Booth, you are a caterer for the Seminole Club?
A. Yes, sir.
Q. What is that, a golf club?
A. No, it is a tennis club, sir.
Q. Forest Hills?
A. That's right.
Q. Are you married?
A. Yes, sir.
Q. How long have you been married?
A. 22 years, sir.
Q. Children?
A. No children, sir.
Q. Is your wife employed?
A. Yes, sir.
Q. By whom?
A. I beg your pardon, sir?
Q. By whom?
A. By a private family out in Cedarhurst, Long Island.
Q. In what capacity?
A. She is a housekeeper.
Q. What is the name of that family?
A. I beg your pardon?
Q. What is the name of the family?
A. Mrs. Hard.
Q. Hard?
A. That's right.
Q. Miss Nugent, you are a secretary, I notice, with the Sinclair Refining Company?
A. That's right.
Q. How long have you been with them?
[fol. 112] A. 25 years.

The Court: Very well.
The Clerk: Mrs. Rhea Kobus and George Darry Philbrick excused by the Government.
Fred C. Meister, No. 5; Miss Margaret A. Callaghan, No. 6.

(Mr. Meister and Miss Callaghan, prospective jurors Nos. 5 and 6, took their seats in the jurybox.)

The Court: These two jurors that have just taken the box, have you heard everything that transpired in court today?

(Prospective jurors nodded in the affirmative.)

The Court: Is there anything that you want to volunteer to the Court?

(Miss Callaghan raised her hand.)

The Court: Yes, Miss Callaghan?

Miss Callaghan: My father works in the Post Office and my brother is in the Marines.

By the Court:

Q. Your brother is in the Marines?
A. Yes.
Q. At the present time?
A. Yes.
Q. Where is your brother stationed now?
A. Camp Lejeune, North Carolina.

[fol. 113] Q. How long has your father been with the Post Office?

A. About 21 years.

Q. Now, by reason of your father's employment with the Post Office Department and your brother's service in the Marines, would it be embarrassing to you to serve in this kind of a case?

A. No.

Q. You feel you could keep your mind open and render a verdict here based on the evidence and the evidence alone?

A. Yes.

Q. (To juror No. 5) How about you, Mr. Meister?

A. Well, sir, I was in the armed services, and I believe you mentioned that if your plant was engaged in contract work with the Government, my plant is.

Q. Would that fact in any way embarrass you from serving in this case?

A. No, sir.

Q. Do you feel that you could keep your mind open and render a verdict based on the evidence and the evidence alone?

A. Yes, your Honor.

Mr. E. H. Bloch: I would like to ask the Court to ask Juror No. 5 how long his employer—I assume his employer, he says his plant—has been engaged in contract work for the Government of the United States?

The Court: How long is that, Mr. Meister?

Mr. Meister: (juror No. 5) Well, we were engaged during the last war and recently we have received several more [fol. 114] contracts.

Mr. E. H. Bloch: And I would like the Court to ask the same juror whether any of the employees of his employer were required to take loyalty oaths?

The Court: Were you required to take a loyalty oath?

Mr. Meister: No, your Honor.

Mr. E. H. Bloch: Any of the other employees?

Mr. Meister: Not to my knowledge.

Mr. E. H. Bloch: If the Court please, on this fifth round the defendants jointly challenge Jurors Nos. 6, 10 and 12.

The Clerk: Margaret Callahan, John C. Moorcroft and Cecili Amy Nugent excused by the defendants.

Robert S. Christie, No. 6; Hyman S. Scher, No. 10; Robert H. Batch, No. 12.

(Messrs. Christie, Scher and Batch, prospective jurors Nos. 6, 10 and 12, respectively, took their seats in the jury-box.)

The Court: Mr. Christie, Mr. Scher and Mr. Batch, did you hear everything that transpired in court today?

(Prospective jurors nodded in the affrmative)

The Court: Is there anything you gentlemen want to volunteer to the Court?

[fol. 115] (Mr. Scher, juror No. 10, raised his hand.)

By the Court:

Q. Mr. Scher?
A. Scher is the name.
Q. Yes?

A. I am Russian-born; a brother of mine is in the Government Service.

Q. What branch?

A. The Navy, that is, in official capacity in the Navy.

Q. What do you mean by that? What do you mean by "official capacity in the Navy"?

A. One of the official capacities in the Navy—the Navy Yard, I should say.

Q. Is he an enlisted man?

A. No.

Q. You mean——

A. Civilian, government employee.

Q. I see.

A. Also, I have a relative of mine attached to the Atomic Energy Commission. I don't feel I may be able to serve.

Q. What is your relative's name?

A. Same name.

Q. Scher?

A. That's right.

Q. What is his first name?

A. Harry, I believe, is his first name.

Q. Now, with all of that, do you feel you could serve in this case?

A. I honestly don't feel I could.

Q. You don't think so?

A. No.

The Court: All right, you may be excused, Mr. Scher.

[fol. 116] The Clerk: Hyman S. Scher excused by the Court.

The Court: Is there something you want to say, Mr. Batch?

Mr. Batch: (Juror No. 10) I had a cousin killed in this last war.

Mr. E. H. Bloch: I am sorry, your Honor, I can't hear him.

The Court: You will have to speak up.

Mr. Batch: I had a cousin killed in this last war and I honestly don't feel I could serve.

The Court: All right, you are excused.

The Clerk: Robert H. Batch excused by the Court.

Prospective Juror No. 1: I am sorry, your Honor, but

I neglected to say that I have a brother in the Service at the present moment and I have a brother that was in the last war, as well as myself.

By the Court:

Q. Well, you had told us that you had been in the Service?
A. Yes, I had been in.
Q. And you also have a brother who is in and one was in?
A. That's right.
Q. Does that qualify your previous answers in any respect?
A. It doesn't, no.

[fol. 117] The Clerk: Howard B. McGowan, No. 10; Miss Joan Moisseiff, No. 12.

(Mr. McGowan, No. 10, and Miss Joan Moisseiff, No. 12, prospective jurors, took their seats in the jurybox.)

The Court: Mr. McGowan, Miss Moisseiff, have you heard everything that transpired in court today?

(Prospective jurors nodded in the affirmative.)

The Court: Is there anything you care to volunteer to the Court?

Miss Moisseiff: Yes, sir; I have traveled in Czecho-Slovakia.

By the Court: (To Juror No. 12)

Q. How long ago was that?
A. Summer of 1948.
Q. In what capacity did you travel there, as a student, was it or——
A. No, no, just pleasure.
Q. On a pleasure trip by yourself?
A. No, with a friend.
Q. With a friend?
A. Yes.
Q. You are presently employed by Modern Plastics, Inc.?
A. Yes, sir.
Q. Well now, as the result of that trip which you made to Czecho-Slovakia, is there anything that would prevent you

from keeping an open mind in this case in deciding this case based on the evidence and the evidence alone?

[fol. 118] A. No, sir.

Q. Nothing at all?

A. No, sir. I have also submitted an application to the State Department for working for their International Information Service.

Q. Has that been acted on yet?

A. No, sir.

Q. You haven't been subjected to any loyalty probes, as far as you know?

A. No, sir.

Q. Would the fact that you might be subjected to it in any way alter your opinion?

A. No, sir.

Q. (To juror no. 10) Mr. McGowan?

A. I was in Russia in 1945.

Q. Doing what?

A. I was in the Navy.

Q. By reason of your service in Russia, did anything occur which would prevent you from rendering a fair verdict here to both sides, based on the evidence and the evidence alone?

A. No, sir; but I think my business connections may now influence me.

Q. What business connection is that?

A. I am with an investment banking firm.

Q. What is the name of that firm?

A. F. S. Mosely & Company.

Q. And you believe that your relationship with your firm might influence you?

A. Well, while I am considering the evidence, I probably unconsciously would be thinking of my contacts.

[fol. 119] The Court: Very well, you may be excused.

The Clerk: Howard B. McGowan, No. 10, excused by the Court.

Herbert F. Claudio, No. 10.

(Mr. Claudio, prospective juror No. 10, took his seat in the jurybox.)

By the Court: (To juror No. 10)

Q. Mr. Claudio, have you heard everything that has transpired?

A. Yes, sir; I have.

Q. Is there anything you want to volunteer?

A. Yes, my wife and I were both veterans of the last war. My father works in the Post Office. That is about all.

Q. You still feel that despite that service and despite your father's employment, you could sit in this case with an open mind and render a verdict based on the evidence?

A. I do.

Q. Mr. Christie, you are a salesman, I notice?

A. Yes, sir.

Q. With what company is that?

A. R. S. Christie & Co., self-employed.

Q. What do you sell.

A. Fastening devices, screws, nuts.

Q. Are you married, Mr. Christie?

A. Yes, sir.

Q. How long have you been married?

A. About 27 years.

[fol. 120] Q. Your wife is at home, is she?

A. At home.

Q. Children?

A. Two.

Q. What are their ages?

A. One is 27 and is employed by the National Carbon Company in Vermont; one is 25 and is employed by me.

Q. (To juror No. 10) And, Mr. Claudio, tell us about your personal life, your employment, and so forth.

A. I am employed by Graflex, Inc. I don't know if they have any Government contracts at all. I couldn't say.

Q. What do you do?

A. I am the camera service engineer.

Q. And you are married, you told us?

A. Yes.

Q. What does your wife do today?

A. My wife is at home.

Q. (To Juror No. 12) And, Miss Moisseiff, what is your employment?

A. I write for a trade magazine, Modern Plastics.
Q. What is the location of this company?
A. 575 Madison Avenue.

The Court: Well, I believe that we will suspend at this point. The Government exercises the next group of challenges; is that right?

[fol. 121] The Clerk: That's right, your Honor.

The Court: We will suspend at this point until 10:30 tomorrow morning. I am going to ask all of the jurors now in the box to take their respective positions tomorrow morning. Be prompt. As a matter of fact, I suggest you be here a few minutes before 10:30.

To all of the other ladies and gentlemen of the panel, I am going to ask you to return tomorrow morning again; be here a few minutes before 10.30 and in the meantime I ask you, please, not to discuss the case between yourselves, not to discuss it with anybody else, not to discuss it with members of your family, and above all, not to read anything in the newspapers about the case, not to listen to the radio about the case, not to watch television concerning this case. I know it is a difficult request for people to comply with, but service as a juror is not a very easy task, but yet a necessary task, so I am sure as good citizens you will all make every effort to comply with my request.

10.30 tomorrow morning.

(Adjourned to March 7, 1951, at 10.30 a.m.)

[fol. 122] New York, March 7, 1951; 10:30 o'clock a. m.

(11 jurors in box.)

The Court: I thought I made myself sufficiently clear that I wanted everybody to attend promptly at the sessions.

What is the name of the juror who isn't here?

The Clerk: Herbert Claudio, your Honor, Juror No. 10.

The Court: Will you call the name again, please.

The Clerk: Herbert Claudio.

(No response.)

The Court: Is there anything you want to say, Mr. Ciner?

Mr. Ciner: If I may?

The Court: Yes.

Mr. Ciner: There is something not quite clear in my mind, sir, and I think it may not be clear in reference to volunteering information on the questions asked yesterday, and that is, if in your mind you think it is prejudicial to the keeping of your mind open, whether you should volunteer the infor-
[fol. 123] mation or not?

The Court: I thought that that was certainly clear and I thought that I had made that clear more than one time. I must have asked that question a dozen times.

Now, if you can't keep your mind open and you are prejudiced before you even start to hear any evidence, I certainly want to hear it from you.

Mr. Ciner: Well, I have some information which I would like to give, which I didn't do yesterday, if that is the case and I am in error.

The Court: Information I should have privately?

Mr. Ciner: No, sir.

The Court: What is the information?

Mr. Ciner: Just volunteering the information that I was a World War II veteran.

The Court: Didn't you understand that I asked the jurors that time and time again, whether you were veterans?

Mr. Ciner: You did, sir.

The Court: Was there anything vague about the question?

Mr. Ciner: Well, my opinion or interpretation of it was, if it wasn't prejudicial in keeping your mind open you didn't have to answer.

[fol. 124] The Court: First I asked whether you were; then after I was advised whether you were, I then asked the question as to whether or not the fact that you served was prejudicial. See, the reason that I perhaps appear a little irritated is because jurors that are selected are going to sit here for several weeks, and if over a simple little thing like that they have difficulty in understanding something that seems to me was very clear—every juror took the box that I remember, who was a veteran, raised his hand immediately and said he had been a veteran.

Mr. Ciner: That wasn't clear in my mind, sir. May I do that now?

The Court: Yes, yes, I appreciate that. I am disturbed over the fact that you didn't understand that.

Mr. Ciner: I made notes of it yesterday, sir, and, as I say, I didn't understand it correctly.

The Court: Yes. Now, do you feel, in view of your service in the Armed Forces, that you still could keep your mind open and afford both sides here a fair trial?

Mr. Ciner: I don't think it would affect my mind, sir. It would keep it open.

There are some items I wanted to mention.

[fol. 125] Mr. Saypol: May I interrupt, if your Honor please? Does your Honor think it advisable to wait for the absent juror before we proceed?

The Court: No, it has nothing to do with the absence of the juror.

Mr. Saypol: I should like to note there is no objection on the part of the defendants to proceed.

The Court: Proceed.

Mr. Ciner: I have two nephews in the Armed Services, one in the Navy and one in the Army. I get the American Legion Monthly Magazine and my mother and father were born on the other side, in a country now called Czechoslavakia, but in that time it was known as Bohemia, back in 1875. They are both deceased now.

The Court: Now, would any of those facts in any way prejudice you or prevent you from keeping your mind open so that you can decide this case based on the facts and the evidence?

Mr. Ciner: It would not, sir; it wouldn't affect my mind in any way.

The Court: Very well, Mr. Ciner, you may be seated.

[fol. 126] Mr. E. H. Bloch: If the Court please, I would like to reserve until Juror No. 10 gets in the box, any proposed follow-up questions to the juror who has just spoken to the Court.

The Court: Juror No. 12?

Prospective Juror No. 12: I would like to add some additional information I didn't have time to yesterday. That is, I am opposed to capital punishment.

The Court: That is just a slight matter.

Prospective Juror No. 12: Well——

The Court: You may be excused.

(Miss Joan Moisseiff excused.)

The Court: If it is agreeable gentlemen with you, we will fill that space of No. 10 and I will deal with that juror later.

Mr. E. H. Bloch: No objection, your Honor.

The Court: Has the Government any objection?

Mr. Saypol: No, your Honor.

The Court: All right. Call two jurors.

(Herbert F. Claudio excused by consent.)

(Harry E. Pfaltz and Joseph G. Busser called as prospective jurors.)

The Court: Gentlemen, did you hear everything that transpired here yesterday and so far today?

The Prospective Jurors: Yes, sir.

[fol. 127] The Court: Is there anything you want to volunteer to the Court?

Mr. Christie: Yes.

The Court: Yes, Mr. Christie?

Mr. Christie: Yesterday I thought my age excluded any question of being a veteran and I didn't volunteer the fact that I was a veteran in the World War I.

The Court: All right. Despite that fact do you think you can keep your mind open here?

Mr. Christie: I do.

The Court: Mr. Pfaltz, and Mr. Busser?

Mr. Pfaltz: I am afraid I would be entirely too biased, your Honor.

The Court: You may be excused.

Mr. Busser, is there anything you want to volunteer to the Court? Do you think that you could afford a fair trial to the defendants here?

Mr. Busser: I can.

(Harry E. Pfaltz excused.)

(Walter J. Brown called as a prospective juror.)

By the Court: (Addressing Mr. Brown)

Q. Mr. Brown, you have heard all the proceedings so far?

A. Yes, your Honor.

Q. Is there anything you want to volunteer?

[fol. 128] A. No, sir. My father-in-law is engaged in Gov-

ernment work. He works for the Federal Bureau of Internal Revenue, the income tax.

Q. Your father-in-law?

A. Yes, sir.

Q. All right. How long has he been with them?

A. I don't know, sir.

Q. What is his name?

A. Ruderman.

Q. Has anything transpired in your relationship with your father-in-law in the discussion of cases or anything of that character which would cause you to be prejudiced here against the Government or against the defense?

A. No, your Honor.

Q. Mr. Busser, I believe you said you felt that you could keep your mind open here and give litigants, both sides here a fair trial?

A. Yes.

Q. Now Mr. Brown, I notice you are an aircraft mechanic.

A. Yes, sir.

Q. You work for the Transworld Airlines, is that right?

A. Yes.

Q. At La Guardia Field?

A. Yes, your Honor.

Q. Are you married?

A. Yes.

Q. How long have you been married?

A. About a year.

Q. Does your wife work?

A. No, sir.

Q. You may be seated.

Q. Mr. Busser, what is your occupation?

[fol. 129] A. Tool expediter.

Q. You are retired, are you?

A. Yes, sir.

Q. With whom did you work prior to this?

A. I didn't hear?

Q. By whom were you employed prior to this?

A. Brewster Aeronautical.

Q. When was that?

A. Up to 1944. 1940 to 1944.

Q. Are you married?

A. No, sir.
Q. You are a bachelor?
A. Yes, sir. I am a veteran of the First World War.
Q. Has your service as a veteran of the First World War left you with any prejudice in this type of matter?
A. No, sir.

(Robert S. Christie and Charles M. Boyle excused by the Government.)

(Ely Morton Honig and Clement J. Tormey called as prospective jurors.)

The Court: Gentlemen, have you heard everything that has transpired so far?
The Prospective Jurors: Yes, your Honor.

By the Court:

Q. Mr. Honig, is there something you want to volunteer?
A. I have a younger brother-in-law in the Service, sir and I lost a very good friend of mine.
Q. In the Service?
A. In the Service.
[fol. 130] Q. Now, despite the two facts that you have just revealed do you feel that you could serve with propriety in this case?
A. No, sir.
Q. You don't?
A. No.
Q. Mr. Tormey, is there anything you want to volunteer?
A. Yes, your Honor. I am a veteran of the last World War and I also feel that I could not give the same credence to testimony which would be given by a member of the Communist Party.
The Court: Very well.

Mr. E. H. Bloch: Well, if the Court please, so that we dissipate any misimpression that may arise I would like to submit now that there is no evidence before the jury that the question of membership in the Communist Party is involved. Maybe I am anticipatory.
The Court: There isn't any evidence of any nature before the jury at this point.

Mr. E. H. Bloch: Except this, I don't want the jurors to get the impression that Communism is on trial. There are two defendants or three defendants on trial charged with the specific crime of espionage.

The Court: Well, wouldn't you rather have a juror reveal in advance anything that is in the innermost compartment of his brain that might in some session whatsoever be prejudicial to your clients?

[fol. 131] Mr. E. H. Bloch: Absolutely. The only reason my remarks are motivated is that the formulation of this prospective juror leaves me to believe that he is not aware of the issues in this trial.

The Court: I will say to all of the jurors that many questions have been asked of you. The purpose of those questions is to reveal any feeling you might have on the subject, any prejudice that you might have on the subject. For example, there was a long list of names read of newspapers, a long list of organizations read. Whether or not they will have any part in this trial, I do not know. But the purpose of the question was to search the mind of the jurors and to attempt if we could to ascertain the kind of thinking that the jury does.

Mr. Honig: I understood that was one of your questions.

The Court: Very well, Mr. Honig, I appreciate your statement, and Mr. Tormey. You may be excused.

(Ely Morton Honig and Clement J. Tormey excused.)

(Philip Frankel and Louis Corrigan called as prospective jurors.)

The Court: Gentlemen, I take it you have heard everything that transpired here?

Prospective Jurors: Yes.

[fol. 132] The Court: You both feel you could serve with propriety in this case?

Mr. Frankel: I think, your Honor, I might have subconscious fellow-traveler bias in view of my background. I am a World War I veteran.

The Court: I will accept your statement as made in good faith, and I hope that all of these statements are being made in good faith and not in effort to avoid what might seem to the jurors as an unpleasant task. The reason I say

that is that there seems to be a little more volunteering this day than there was yesterday, and I would assume that the jurors are doing this in good faith and I can't question it.

Mr. Corrigan: There are two situations I would like to call your Honor's attention to. In the first place, I attended C.C.N.Y. many years ago and while there joined a fraternity, of which I am quite sure one of the defense counsel here is a member. In other words, he is a fraternity brother of mine. I have not seen him or been in touch with him for perhaps 30 years, but I am quite sure that is the individual.

The Court: You feel that would not make any difference at all?

Mr. Corrigan: That would not. I simply wish to call that to your Honor's attention. I also wish to report that [fol. 133] I am a veteran of World War I; my son was in World War II. He is in the Naval Reserve and subject to recall at any time. I cannot conscientiously state that my mind is open, it isn't.

The Court: Very well. I can't conscientiously keep you. I will have to excuse you.

Mr. E. H. Bloch: If it is worth anything for the record, I am the person to whom Mr. Corrigan referred to as a fraternity brother.

The Court: All right.

The Clerk: Mr. Frankel and Mr. Corrigan excused.
Walter A. Kolbus, No. 6; William O. Melvin, No. 9.

(Walter A. Kolbus and William O. Melvin, prospective jurors 6 and 9 respectively, took their seats in the jury box.)

The Court: Gentlemen, I assume that you have heard everything that has transpired so far?

(Prospective jurors nodded in the affirmative.)

By the Court:

Q. Mr. Melvin, you are the gentleman with six children, aren't you?

A. That's right.

Q. And you have asked to be excused because you have nine dependents; is that right?

A. Yes, sir.

Q. You still feel like you would like to be excused by the [fol. 134] Court?

A. Because of a personal financial reason.

The Court: All right, we will excuse Mr. Melvin.

The Clerk: Mr. Melvin excused.

Herbert W. Craft, No. 9.

By the Court:

Q. Mr. Craft, you have heard everything, have you?

A. Yes, I have.

Q. Mr. Kolbus, do you feel that you could serve with propriety in this case?

A. Yes, sir.

A. Mr. Craft?

A. Yes, sir.

Q. You feel you could serve with propriety, Mr. Craft?

A. I am a veteran of World War I.

Q. Would that make any difference in your deliberations?

A. No, sir.

Q. Now, Mr. Kolbus, you are a stock auditor for the A. & P. Company; is that right.

A. A. & P. Tea Company.

Q. A. & P. Tea Company.

A. I might mention that my wife works for a law firm, if that has any bearing?

Q. What is the name of that firm?

A. Davis & Gilbert.

Q. Davis & Gilbert?

A. Yes, sir.

Q. Is there anything by reason of your wife's employment that you feel would make any difference?

A. No, sir.

[fol. 135] Q. In your deliberations here in this case?

A. No, sir.

Q. Have you any children?

A. No, sir.

Q. Mr. Craft, you are assistant treasurer of the Central Hanover Bank & Trust Company; is that right?

A. That's right.

Q. Are you married?

A. I am a widower with a daughter 24 years old, and in that connection, your Honor, I would like very much to come up to the bench and speak with you privately, if I may.

The Court: Very well, step up.

(The following proceedings took place at the Judge's bench, outside the hearing of counsel for the Government and counsel for the defendants.)

Mr. Craft: Your Honor, my daughter is a spastic. She is in the Bancroft School in New Jersey. Because of her brain condition, anything is liable to happen at any time, and I want you to know that, because if anything did happen, I naturally would have to ask the Court to release. . . . In a long case like this, why I——

The Court: Is she at a stage now where something acute is about to arise?

Mr. Craft: As you know, spasticism is an infection of the vasomotor section of the brain and it is a hard thing to—I mean, in point of time——

[fol. 136] The Court: You think you would rather be excused?

Mr. Craft: I think I would, your Honor, for that reason.

The Court: All right.

I am going to excuse Mr. Craft.

The Clerk: Mr. Craft excused by the Court.

Thomas J. Costello, No. 9.

(Mr. Costello, prospective Juror No. 9, took his seat in the jury box.)

By the Court:

Q. You have heard everything, Mr. Costello?

A. I have.

Q. You feel that you could serve with propriety in this case?

A. I do.

Q. There is nothing you care to review, or is there?

A. Well, I have several friends that are on the Police Department. I am a veteran of the last war. My two brothers are veterans. Before the war my two brothers

attended City College. I have been a member of the American Legion; I have read their magazines and I have read several of the papers and columnists that you mentioned yesterday.

Q. Which magazine did you read?

A. I said I read the American Legion magazine.

[fol. 137] Oh, the American Legion magazine?

A. Yes.

Q. You said you read some of the Columnists?

A. Yes.

Q. Which columnists?

A. Pegler, Winchell, O'Donnell.

Q. Very well. Now, with all that you have told us, do you feel that as a good citizen you take your place in that box and listen to the Court's instructions, listen to the evidence and decide this case based on the evidence and the evidence alone?

A. I do.

Q. You are a clerk with the Metropolitan Life Insurance Company; is that right?

A. That's right.

Q. Are you still so employed?

A. I am.

Q. Married?

A. Single.

Q. Do you live with your folks, do you?

A. I live with two sisters and a brother.

The Court: Very well.

Mr. E. H. Bloch: Will the Court kindly ask Juror No. 9, Mr. Costello, the following questions; One, whether or not he is a subscriber to the American Legion Monthly?

The Court: You may consider that.

Mr. Costello: I receive the American Legion magazine regularly. I think you might call it "monthly".

Mr. E. H. Bloch: I don't think there is anything technical [fol. 138] about the word "subscription".

Does he subscribe for it and pay for a subscription?

Mr. Costello: I haven't paid for it in the last few years.

Mr. E. H. Bloch: But you get it nevertheless?

Mr. Costello: Yes.

Mr. E. H. Bloch: Is he billed for the subscription?

Mr. Costello: I am not billed for the subscription.

Mr. E. H. Bloch: Has this juror read anything in the American Legion Monthly with respect to this case?

Mr. Costello: I have not.

Mr. E. H. Bloch: In connection with this juror's friendship with a number of policemen, I would like the Court to inquire a little more closely as to how close the friendship is and whether or not the policemen friends of this juror either discussed this case or generally discussed law enforcement?

The Court: Have your policemen friends discussed this case with you?

Mr. Costello: They have never discussed this case.

The Court: Have they discussed law enforcement, generally?

[fol. 139] Mr. Costello: Not particularly, no. They are just social friends.

Mr. E. H. Bloch: In connection with Juror No. 10, will the Court ask this juror whether or not he has ever discussed this case with his father-in-law, who works for the Bureau of Internal Revenue?

Prespective Juror No. 10: I have not, your Honor.

Mr. E. H. Bloch: Whether or not he has discussed this case with any of the relatives as a member of the family?

Prospective Juror No. 10: I have not.

Mr. E. H. Bloch: Whether or not he had any discussion with his father-in-law about serving as a juror in this case?

Prospective Juror No. 10: None whatsoever.

Mr. Kuntz: If your Honor please, may I ask your Honor to ask Juror No. 9 whether he has formed any opinion in this case or whether he has come into the box with any opinion in this case?

The Court: Well, that was asked, as you know, several times as part of my general questions, and I would expect them to volunteer that. I will ask it. Consider that asked of you.

Prospective Juror No. 9: I have no opinion.

Mr. E. H. Bloch: 5, 6 and 12 challenged.

The Clerk: Fred O. Meister, Walter A. Kolbus and Joseph [fol. 140] Busser excused by the defendant.

Charles W. Christie, No. 5; John Redmon Sewell, No. 6; Edward L. Carroll, No. 12.

(Messrs. Christie, Sewell and Carroll, prospective Jurors 5, 6 and 12, respectively, took their seats in the jury box.)

The Court: Gentlemen, I assume you have heard everything that has transpired in this case so far; is that right?

(Prospective jurors nodded in the affirmative.)

The Court: Is there anybody here who cares to volunteer anything?

Mr. Carroll: Your Honor, I should like to volunteer three it*mes*, that I don't think would prejudice my opinion in this case. I served in the Army from 1940 to 1946. I visited Czechoslovakia in '33, before it had become a satellite country, so to speak, and I have a friend who is in charge of research in an organization called Radio Free Europe, and to that organization I contributed an article.

By the Court:

Q. What is that organization dedicated to?

A. Well, it is a part of the National Committee for a Free Europe and it beams propaganda material to the satellite countries of the Soviet Union.

[fol. 141] Q. Well, now, despite what you have revealed here, do you feel nevertheless as a good citizen, and knowing the American system of jurisprudence, that you can approach this case with an open mind and determine it based upon the evidence and instructions of the Court?

A. Yes, your Honor, I do.

Q. Now, Mr. Christie?

A. My company has contracts with the Government and I am also casually acquainted with a member of the Federal Bureau of Investigation.

Q. What is the name of your company?

A. Tide-Water Associated Oil Company.

Q. And your friend is a member of the FBI?

A. That's right.

Q. Now, have you discussed this case with this friend in the FBI?

A. No, with no one.

Q. Have you discussed law enforcement generally with this friend of yours?

A. No.

Q. Would the fact that your company is engaged in war work in any way embarrass you from service in this case?

A. No.

Q. You feel that you could keep your mind open and decide this case on the evidence?

A. Yes, I believe I could.

Q. Mr. Sewell?

A. I have two or three bits of information I would like to [fol. 142] convey to the Court. For a short period of time of three months I had a Civil Service position just before the war, and I went from that into the Navy, in which I served three and a half years. I also have a brother who is a veteran. The company which I work for, the Phillips Laboratories, does some work under Navy contract. I myself have not worked under these contracts but the company has.

Q. Do you feel that you could listen to the evidence in this case and decide the case based on the evidence and instructions from the Court?

A. Yes, sir.

Q. Now, Mr. Sewell, you are a physicist, I notice, with the Philips Laboratories?

A. Yes, sir.

Q. Are you married?

—. No, sir.

Q. Live with your parents, do you?

A. No; they are in Kentucky. I just have a room up here.

Q. Mr. Christie, you are a traveling auditor, I notice, for the Tide Water Associated Oil Company; are you married?

A. Yes, sir; two children, both school age.

Q. Mr. Carroll, you are a stage director?

A. Yes, your Honor. I taught for 11 years before the war in college, but during that time and afterward I was directing plays professionally.

Q. What school was that, what college?

A. That was Union College in Schenectady, New York.

[fol. 143] Q. Are you married?

A. No, sir; I am single.

Q. Do you maintain your own apartment?

A. Yes, I do.
The Court: Very well.

Mr. Saypol: Will the Court allow the Government a question voir dire in addition to those propounded?
The Court: Yes.
Mr. Saypol: Will the Court inquire of Juror No. 5, Mr. Christie, whether he has ever resided in Minnesota?
Mr. Christie: Minnesota? No, I never have.

The Clerk: William Ciner and Edward L. Carroll excused by the Government.
The Clerk: Joseph R. Murphy, No. 8; Mrs. Lillian Dietz, No. 12.

(Mr. Murphy and Mrs. Dietz, prospective Jurors 8 and 12, respectively, took their seats in the jury box.)

The Court: Mrs. Dietz and Mr. Murphy, have you heard everything that has transpired today and yesterday?

(Prospective jurors nodded in the affirmative.)

The Court: Is there anything you care to volunteer?
Mrs. Dietz: Just that I had a brother who served in the Armed Forces.

[fol. 144] By the Court:

Q. You have a brother who has served in the Armed Forces?
A. That's right.
Q. Would that fact in any way prevent you from keeping your mind open in this case?
A. No, it wouldn't.
Q. How about you, Mr. Murphy?
A. Well, I am in a place where I do quite a bit of business with the FBI.
Q. What is your business?
A. Furniture.
Q. You are in the furniture business and you do quite a bit of business with the FBI?
A. Yes, sir.
Q. Have you sold them furniture?
A. I have sold them furniture and I anticipate selling them in the future.

Q. Would that fact embarrass you from serving in this case?

A. I am afraid it might.

The Court: All right.

The Clerk: Joseph R. Murphy excused.

John Joseph Thompson, No. 8.

(Mr. Thompson, prospective juror no. 8, took his seat in the jury box.)

Q. Mr. Thompson, you have heard everything that has transpired in this case?

A. I have, sir.

Q. Do you feel that you can serve with propriety?

A. Yes, I could, sir.

Q. Have you anything you care to volunteer?

[fol. 145] A. Well, I was two years with the Post Office Department during the war. I have two brothers, veterans, and that is all, sir.

Q. Despite these facts, do you feel that you could keep an open mind in this case?

A. Yes, sir.

Q. You are a bank clerk with the Bowery Savings Bank?

A. That's right, sir.

Q. Married?

A. Yes, sir.

Q. How long have you been married?

A. 16 years, sir.

Q. Your wife is at home, is she?

A. No, she goes to business.

Q. Whom does she work for?

A. She is in the advertising business, sir.

Q. What is the name of the firm?

A. John J. McDevitt Company.

Q. Mrs. Dietz, I notice you are a housewife?

A. Yes, sir.

Q. What does your husband do?

A. He works for the Consolidated Edison Company.

Q. Consolidated Edison Company?

A. Yes, sir.

Q. Have you some children?

A. No, sir.

The Court: All right.

Mr. E. H. Bloch: Your Honor, in connection with Juror No. 5, I wonder whether you would inquire how long this [fol. 146] juror knows this FBI man and just how close the social relationship is?

Prospective Juror No. 5: Approximately two years. We are both members of a church organization. We don't visit back and forth socially; we only meet at this church organization approximately once a week. It depends on our attendance. Sometimes we see one another once a week; other times we don't.

The Court: And when you do meet, I take it, it is in connection with church activities?

Prospective Juror No. 5: That's right.

The Court: You don't visit one another's homes, as you pointed out?

Prospective Juror No. 5: Right.

Mr. E. H. Bloch: In connection with Juror No. 8, Mr. Thompson, I didn't hear how long he was employed by the Post Office?

The Court: Two years.

Prospective Juror No. 8: Two years, sir, from 1943 to 1945.

Mr. E. H. Bloch: I didn't hear that.

Defense asks that 6, 8 and 12 be excused.

The Clerk: Mr. Sewell, Mr. Thompson and Mrs. Dietz excused by the defendants.

Harold H. Axley, No. 6; Chauncey C. Miller, No. 8; Em- [fol. 147] mett C. Laird, No. 12.

(Messrs. Axley, Miller and Laird, prospective jurors 6, 8 and 12, respectively, took their seats in the jury box.)

The Court: Gentlemen, have you heard everything that transpired?

(Prospective jurors nodded in the affirmative.)

The Court: Is there anything any of you care to volunteer?

Mr. Axley: I was employed by the Government from 1942 to 1946.

By the Court:

Q. What branch?

A. I was in a civilian capacity for the Army, in the finance department. I have a brother that is in the Armed Forces.

Q. Do you still feel that you could keep an open mind in this case?

A. Definitely.

Q. Yes, Mr. Miller?

A. I am employed by the Board of Commissioners of Pilots, an agency of the State of New York. I served in the Army of the United States in World War I and my son-in-law was in the United States Air Force in World War II, and I have been a member of the American Legion.

Q. Despite all of that, do you feel that you could in good conscience keep your mind open in this case and decide the [fol. 148] case based on the evidence?

A. Yes, sir.

Q. Mr. Laird?

A. I have a brother-in-law who is a retired employee of the Bureau of Internal Revenue. I had a brother in the war, last World War. I have had occasion to be in contact with members of the FBI, in connection with employees who have formerly worked for the Texas Company and have now gone into work in defense plant work.

Q. You mean, the FBI has communicated with you?

A. Communicated with me, yes.

Q. Concerning the background of these individuals?

A. That is correct.

Q. Now, by reason of your association with the FBI, has anything transpired which would prevent you from keeping your mind open in this type of case?

A. No, sir.

Q. And despite all you have told us, the relationship with your brother-in-law, who is a former member of the Internal Revenue Bureau—your brother-in-law, was it?

A. Yes, that's right.

Q. And these other facts that you have related today, do you still feel that you can decide this case based on the evidence?

A. Yes, sir.

Q. I notice you are an engineer with the Texas Company?

A. That's right.
Q. How long have you been with them?
A. 28 years.
[fol. 148a] Q. Are you married?
A. Yes, sir.
Q. How long have you been married?
A. I have been married 27 years.
Q. Your wife is at home, I take it?
A. That's right.
Q. Have you some children?
A. I have two married daughters and one son who is in high school.
[fol. 149] Q. What are the occupations of your sons-in-law?
A. One of the sons-in-law is an investment broker in New York and the other is employed by the Texas Company as an engineer.
Q. Mr. Miller, you are Secretary of the Board of Commissioners of Pilots. How long have you been secretary of that board?
A. Since May, 1931.
Q. I take it you are a former pilot?
A. No, sir, I have never been a pilot.
Q. Are you married?
A. Yes, sir.
Q. Any children?
A. One daughter, married.
Q. What does her husband do?
A. He is a salesman for a woolen house, I think.
Q. Mr. Axley, your occupation?
A. I am self-employed. I run a restaurant.
Q. You run a restaurant?
A. Yes.
Q. Married?
A. Yes, sir.
Q. How long?
A. Fourteen years.

(Board with names of jurors handed to Government counsel.)

Mr. Saypol: I will pass this round, if your Honor please.
The Court: You waive these two?

Mr. Saypol: I waive these two.

The Court: Well, at this point we will take a short recess, [fol. 150] ladies and gentlemen. Return very shortly.

(Short recess.)

Mr. E. H. Bloch: If the Court please, I just want to check my records here. Have we exhausted 21 by this time?

The Court: Yes, you have. You have nine challenges left.

Mr. E. H. Bloch: I would like the Court to ask Juror No. 12 whether by reason of his connection with his brother-in-law who I believe he stated was a retired member of the FBI——

The Court: Internal Revenue.

Mr. E. H. Bloch: Was it Internal Revenue? Whether or not he has formed any impression about Government investigators.

Prospective Juror No. 12: I would say that my brother-in-law was an accountant in the Internal Revenue Bureau and as a matter of fact I don't see him very often. He doesn't live nearby. So I don't know.

Mr. E. H. Bloch: Well, that wasn't quite responsive.

The Court: Well, I think it is responsive. He is telling you that he really hasn't formed any impression. That his brother-in-law was really an accountant rather than an investigator.

[fol. 151] Gentlemen, I would appreciate it if you could expedite this on both sides so that we can have our jury by the luncheon recess if possible.

Mr. E. H. Bloch: We ask that Jurors Nos. 9, 11 and 12 be excused.

(Mr. Costello, Mr. Friedlander and Mr. Laird excused by the defendants.)

(Patrick J. Carroll, Herman E. Meisner and James M. Crawford called as prospective jurors, taking seats 9, 11 and 12 respectively.)

The Court: Gentlemen, have you heard everything that has transpired in this case?

Prospective Jurors: Yes.

The Court: Is there anything that anybody wants to volunteer to the Court? I will hear from Mr. Carroll first.

Mr. Carroll: I have a son in service in the war and he is now in the Reserves. He knows the U. S. Marshal very well, Mr. Carroll.

By the Court:

Q. Is he related to you?

A. No, he is not related to me, and I had business relationship with the Federal Government during the war, my company.

Q. What branch of the Government?

A. I had a contract with the Procurement Division, Quartermaster's Corps.

[fol. 152] Q. You are with the Morton Salt Company?

A. That is right, your Honor. I know a young man connected with Counterattack. He was a friend of my son. I have read Pegler, O'Donnell, practically all the publications mentioned. My own personal thoughts combine to the feeling that I could not—I feel that I might not be an impartial juror.

The Court: Very well, we will let you go, Mr. Carroll.

(Patrick J. Carroll, No. 9, excused.)

(Alfred Seymour Rocin, called as a prospective juror and takes seat No. 9.)

By the Court:

Q. Have you heard everything that transpired, Mr. Rocin?

A. Yes.

Q. Is there anything you care to volunteer?

A. Yes, your Honor.

Q. What?

A. I am a veteran of the last war and I don't think I have an open mind in this case.

Q. Well, now, I hope you are being sincere about that. Are you, Mr. Rocin?

A. Yes.

Q. You are not doing that because you don't want to serve?

A. No, sir.

The Court: Very well, you will be excused.

(Alfred Seymour Rocin excused.)

[fol. 153] (Robert C. Bell, called as a prospective juror, takes seat No. 9.)

By the Court:

Q. Mr. Bell, have you heard everything that transpired?

A. Yes, I have.

Q. Is there anything that you want to volunteer?

A. Well, I have followed the accounts of the case in various newspapers and I don't feel I can give an unprejudiced opinion.

Q. Do you feel because you have read a newspaper that you can't do your job as a citizen and dismiss that and follow the instructions of the Court?

A. I believe it has left a very permanent impression in my mind.

The Court: You are excused.

(Robert C. Bell excused.)

(James E. Sexton, called as a prospective juror, takes seat No. 9.)

By the Court:

Q. Is there anything you want to say, Mr. Sexton?

A. Yes, there is, your Honor.

Q. What is it?

A. In the first place, I was in the United States Army. During the course of that service I was in Czechoslovakia. I am a member of the Catholic War Veterans and during the course of my study at school I did hear lectures regard-[fol. 154] ing the fallaciousness of Communism. Regarding capital punishment, while I am not opposed to it, I would prefer not to serve as a juror with the sentence of death to be meted out by the United States. This however, does not constitute an unwillingness on my part to serve as a juror if so selected.

Q. Well, I think there are some things that need clarification. In the first place, in the matter of punishment, and I want all the jurors to hear this: your function is merely to pass upon the evidence. As I said yesterday, you add a column of figures; that is what you do. And

when you are through adding that column of figures you have a result and then it is your job to bring in that result. What happens after that result is brought in is completely a matter for me, is completely within my province. There is nothing mandatory about this statute. I can if I see fit in accordance with the facts of the case, impose the death penalty. I can also, if I see fit, impose a prison sentence. The Court has wide latitude. I want that to be clear in the minds of the jurors. Their verdict does not necessarily carry with it any mandatory sentence. Now with that in mind, does that in any way change your point of view with respect to that phase of your objection?

[fol. 155] A. Well, as I stated, your Honor, it was only a preference on my part not to serve if the death sentence could be given out.

The Court: Well, I think, Mr. Sexton, we had better excuse you. You would be sitting there and you would be rather unhappy, wouldn't you, during the course of the trial?

Mr. Sexton: Well, as I said before, your Honor, it wouldn't interfere with my duties as an American citizen.

The Court: You still feel in your own mind that you could despite these things you have related here today, decide this case on the evidence?

Mr. Sexton: I feel that I could.

Q. And keep your mind open?

A. That is right.

Q. Realizing, would you, during your deliberations that you had nothing to do with the sentence or the punishment?

A. I would feel so, your Honor.

Q. Well, we will permit you to remain.

A. I have some other points, your Honor.

Q. Yes?

A. I have friends who are police officers. They are only casual acquaintances. It would not affect me in any way in serving on the jury. In the business where I am employed we do have to work with the Army. On all of these I do not feel I would be biased or prejudiced.

[fol. 156] By the Court: (To Juror 11)

Q. Very well, Mr. Meisner.

Mr. E. H. Bloch: Your Honor, I am sorry to interrupt but there was implicit in what your Honor said when you advised this last juror for the benefit of all the jurors that the jurors' duty is merely to add up the figures, that the figures when added up might also result in an acquittal. There is no inevitability——

The Court: The figures when added up may result in a conviction or an acquittal.

Mr. E. H. Bloch: That is true.

A. I have a brother who was in the last war. I had a nephew in the Marines in the last war. I am a member of a church which is very much opposed to Communism. I work for a company that has handled a great many war contracts, and I am now working actively on so-called secret contracts for the Government.

Q. Do you feel despite that fact that you could not as a good citizen follow the instructions of the Court and determine this case based on the evidence and the evidence alone?

A. I feel so.

Q. How about you, Mr. Crawford (No. 12)?

A. Well, I had been investigated by the FBI, in 1943 before going to Oak Ridge, Tennessee, and while I was at Oak Ridge, I knew casually Frank Oppenheimer who is a [fol. 157] brother of Robert Oppenheimer, and I am presently employed by Allis-Chalmers, which is doing war work.

Q. Could you in this kind of case sit with an open mind and decide it upon the evidence?

A. I can.

Q. Mr. Sexton, you are assistant credit manager for Jacob Ruppert?

A. Yes.

Q. Married, are you?

A. Yes, I am.

Q. Does your wife work?

A. No, sir.

Q. Any children?

A. I have four children.

Q. Are they of school ages?

A. One is of school age; one is eight years old and another one is four and a half, two and a half, ten months.

Q. Very well. Mr. Meisner, I notice you are an engineer with the American Telephone & Telegraph?
A. Yes, sir.
Q. How long have you been with them?
A. Thirty-three years.
Q. Are you married?
A. Yes, sir.
Q. How long?
A. Since 1933.
Q. And your wife is at home, I take it?
A. She is. I have two sons.
Q. School age?
A. School age.
Q. Mr. Crawford, you are with Allis-Chalmers?
A. Yes.
Q. In what capacity?
A. I am a sales representative for them.
[fol. 158] Q. Are you married?
A. Yes.
Q. Does your wife work?
A. Yes.
Q. With whom?
A. B. Altman & Company.
The Court: Very well.

(Board containing names of jurors handed to Government counsel.)

Mr. Saypol: I will pass the round.
The Court: You have four challenges left, Mr. Saypol.
Mr. Saypol: I believe so. That is right.
The Court: And the defense has six challenges.
Mr. E. H. Bloch: I would like the Court to ask Juror No. 11, who in response to a question from the Court as to whether or not he has an open mind or is prejudiced—I forget the precise phraseology—replied "I believe so." I would like the Court to ask the juror whether he has an assuredness in his own mind and conscience that at this time——
The Court: Again I ask you, do you feel that you can

keep an open mind in this case and decide this case based on the evidence and the instructions from the Court?

Prospective Juror No. 11: To the best of my knowledge I believe I could.

(Board containing names of jurors handed to defense [fol. 159] counsel.)

Mr. E. H. Bloch: Will you bear with us for a moment, your Honor. (Consults with defendants Rosenberg.)

The defendants ask that 9, 11 and 12 be excused.

(Mr. Sexton, Mr. Meisner and Mr. Crawford excused by the defense.)

(Jacques de Callies, Samuel Begun, and James F. Tessitore, called as prospective jurors and take seats 9, 11 and 12 respectively.)

By the Court:

Gentlemen, have you heard everything that has transpired this morning?

(Prospective jurors nod in the affirmative.)

The Court: Is there anything anybody cares to volunteer?

Mr. Begun: Yes.

The Court: Mr. Begun.

Mr. Begun: Your Honor, I feel that because of my combat service in the United States Army during the last war, and because I personally have seen the effects of the atomic blast at Hiroshima, I think my mind would be prejudiced in this particular case.

The Court: Very well, you may be excused.

(Samuel Begun excused by the Court.)

(Mrs. Marilyn Peloso called as a prospective juror, takes seat No 11.)

[fol. 160] The Court: Is there something you want to say?

Mr. Tessitore (No. 12): Yes, your Honor. During the second World War we did a lot of Government printing. It is one of the largest houses in the country. We printed millions of topics for the Government.

By the Court:

Q. What is the name of your company?
A. Alco Gravure Division of Publications Corporation.
Q. Mr. Tessatore, despite that fact, do you feel you could keep an open mind and decide this case on the evidence?
A. I think I can.
Q. Mr. DeCallies?
A. Yes. I was a member of the Armed Forces during the last war, and I am biased against anyone of military age being deferred, and I think it would take a logical explanation for me to get over it.
Q. Well, wouldn't it be enough for you if they were deferred by the authorities?
A. What?
Q. Wouldn't it be enough for you if they were deferred by the authorities? Wouldn't you be ready to accept that?
A. Yes, if there was a logical reason.
Q. Aren't you willing to accept the judgment of the authorities who pass on it, or would you want to set yourself up as a judge on the matter?
A. Until I have seen some——

The Court: All right, we had better not enlarge on it. I [fol. 161] think we will have to let you go.

Q. Mrs. Peloso, have you heard everything that has transpired?
A. Yes.
Q. Do you feel that you can serve with propriety in this case?
A. Yes.

The Court: We will excuse Mr. deCallies.

(Mr. deCallies excused by the Court.)

(Louis H. Hertz was called as a prospective juror and took seat No. 9.)

By the Court:

Q. Mr. Hertz, have you heard everything that transpired?
A. I have, your honor.
Q. Do you feel that you could serve with propriety?

A. While I understand what you explained about the sentence, I am afraid that the fact that there was a potentiality of the death penalty in this case, it would affect me.

The Court: All right.

(Louis H. Hertz excused by the Court.)

(Wallace Plapinger called as a prospective juror and takes seat No. 9.)

By the Court:

Q. Mr. Plapinger, you heard everything that transpired?
A. Yes. I feel I could not serve where there was the [fol. 162] possibility of a death sentence.

(Wallace Plapinger excused by the Court.)

(Richard J. Rodd called as a prospective juror, takes seat No. 9.)

By the Court:

Q. Mr. Rodd, have you heard everything?
A. Yes, I have.
Q. Do you feel you could serve with propriety in this case?
A. I beg your pardon?
Q. Do you feel that you could serve with propriety in this case?
A. Yes, sir, I could.
Q. Is there anything you want to volunteer?
A. Yes, sir. I was in the Army. I am a member of the Reserve, and I was on a jury one time when Mr. Lane was attorney for the Government, and I was questioned by the FBI as to the character of one of my neighbors. I have a brother who is now in the Navy, sir.
Q. In this case that Mr. Lane tried, he didn't do anything there to ingratiate himself with you too much or dislike him too much?
A. No, sir. That is another case.
Q. You would try to take this case despite everything you told us and decide it on the evidence and the evidence alone?
A. Yes, sir.
Q. You are an art clerk employed by M. Knoedler & [fol. 163] Company?

A. Yes, sir.
Q. How long have you been with them?
A. About fourteen years, sir.
Q. Are you married?
A. Yes, sir.
Q. How long?
A. Six years.
Q. Does your wife work?
A. She starts today, sir. Pepsi Cola.
Q. For Pepsi Cola?
A. Yes.

Prospective Juror No. 12: Your Honor, I wish to say that during the war while we were doing this Government printing, the FBI came in and checked over all the employees of the company.

The Court: Very well.

By the Court:

Q. Now you have already told us, Mr. Tessitore, that you are with the Alco Gravure Division of Publications Corporation?
A. Yes.
Q. Married?
A. Yes.
Q. How long?
A. Fifteen years. I have three daughters going to parochial school.
Q. Does your wife work?
A. Yes.
Q. Mrs. Peloso, are you employed?
A. Yes, sir.
Q. By whom?
A. By Sears, Roebuck.
Q. What does your husband do?
A. Well, my husband was a pier guard, but he has an ul-
[fol. 163a] cerated leg. That is why I had to go to work.
Q. He is not employed at the present time?
A. No.

The Court: One challenge now to the Government.

[fol. 164] From here on in, gentlemen, both sides will exercise one challenge at a time. The Government has four

single challenges and the defense has three single challenges.

The Clerk: Mrs. Marilyn Peloso excused by the Government.

James Mitchell, No. 11.

(Mr. Mitchell, prospective Juror No. 11, took a seat in the jury box.)

By the Court:

Q. Mr. Mitchell, have you heard everything that has transpired?

A. Yes, your Honor.

Q. Do you feel you could serve with propriety in this case?

A. Yes, I think I could.

Q. Is there anything else you care to volunteer?

A. Well, I worked with the Post Office for a year and a half while I was going to school.

Q. What years did that cover?

A. The last half of '48 and all of 1949. During that time I was subject to the loyalty probe. I was a veteran of World War II and I spent a year of that service over in China, all of 1945.

Q. Are you married?

A. Yes, sir.

Q. How long have you been married?

A. I have been married for three years, sir.

[fol. 165] Q. Is your wife working?

A. No, sir; she is at home.

Q. Do you feel that despite everything that you have related here you could keep your mind open and decide this case on the evidence?

A. Yes, I do.

Q. I notice that you — an accountant with the firm of Harris, Kerr, Forster & Company; is that right?

A. That's right.

Q. Are you certified?

A. No, sir.

The Court: All right, you may be seated.

Mr. Mitchell: Also, sir, I have two children, the oldest is two years old.

The Court: All right.
Mr. E. H. Bloch: Defense asks that No. 9 be excused.
The Clerk: Richard J. Rodd excused by the defense.
Bernard Unger, No. 9.

(Mr. Unger, prospective Juror No. 9, took his seat in the jury box.)

By the Court:

Q. Mr. Unger, is there anything you want to reveal?
A. Yes.
Q. What is it?
A. I was born in Austria. It is now occupied by the Russians.
Q. Anything else?
A. No.
[fol. 166] Q. Well, now, can you, despite that fact, keep your mind open?
A. No.
Q. You cannot?
A. No.

The Court: You may be excused.
The Clerk: Mr. Unger excused by the Court.
John E. Richardson, No. 9.

(Mr. Richardson, prospective Juror No. 9, took his seat in the jury box.)

By the Court:

Q. Mr. Richardson, is there anything you want to relate?
A. Yes, sir; my father has been employed by the Postal Department for 32 years. I was a veteran of the last World War. My mother-in-law was born in Russia, but she came to this country in 1914, and my father-in-law was born in Hungary; he came to this country in 1914. I believe that is all.
Q. Despite all of these facts that you have related, do you feel that you could decide this case based upon the evidence?
A. Yes, sir.
Q. I notice that you are a musician?
A. Yes, sir.

Q. With the Bobby Byrne orchestra?
A. Yes, sir.
Q. You are still with them, are you?
A. Yes, sir.
Q. Are you married?
A. Yes, sir; I am.
Q. How long have you been married?
A. One and a half years.
[fol. 167] Q. Does your wife work?
A. Yes, she does.
Q. Where does she work?
A. She works for her father. He is a designer and makes emblems for sporting goods.
Q. What is his name?
A. Alex Dorvel.

The Court: All right.
The Clerk: John E. Richardson excused by the Government.
Bernard H. Sakin, No. 9.
The Court: Gentlemen, you each have two challenges.

(Mr. Sakin, prospective Juror No. 9, took his seat in the jury box.)

By the Court:

Q. Mr. Sakin, have you heard everything that has transpired today?
A. I have, your Honor.
Q. Do you feel you could serve with propriety in this case?
A. No, I don't your Honor. I feel I would be biased in this case.
The Court: I will accept that as an honest statement, Mr. Sakin.
Mr. Sakin: It is an honest statement.
The Clerk: Mr. Sakin excused by the Court.
Valentine P. Rader, No 9.

(Mr. Rader, prospective juror No. 9, took his seat in the [fol. 168] jury box.)

By the Court:

Q. Mr. Rader, is there anything you want to tell the Court?

A. Yes, there are several points that you brought up. I am acquainted with two FBI Men, but of a casual nature. I have attended C. C. N. Y. while I was an Navy officer candidate during the last war, but just for a short time. My father has been on the Grand Jury, but I don't know whether he has been associated with the present indictments.

Q. He has never discussed it with you, at any rate?

A. No, he has not.

Q. As far as you know, when did he serve on the Grand Jury last?

A. I believe it was in the fall of last year.

Q. Of 1950?

A. That's right. I have two relatives who have been in military service, but are not at the present time and I am a former employee of Bell Labs during the war, but I am no longer connected with them.

Q. Well now, your relationship with these FBI agents, you said, was casual?

A. That's right.

Q. I take it, therefore, there has never been any discussion with them concerning their work?

A. That is correct.

[fol. 169] Q. Now, your father, you say, has not discussed his work with you at all?

A. That is correct.

Q. Taking all of these matters that you have just related, do you feel that you could keep your mind open here and decide this case based on the evidence?

A. I do, sir.

Q. I notice you are an engineer with the American Gas & Electric Company?

A. That's right.

Q. How long have you been with them?

A. I have been with the American Gas for 15 years, with the exception of the two years' leave of absence that I had for working with Bell Labs.

Q. Are you married?

A. I am.

Q. How long?
A. 13 years.
Q. Is your wife at home?
A. No, she is employed.
Q. By whom?
A. Federal Home Loan Bank of New York.
Q. Is that a subsidiary of the Government?
A. I believe it was at one time, but it is not, now, to the best of my knowledge.
Q. Well, if it proves to be or it was, would that in any way embarrass you from sitting on this jury?
A. No, sir.

The Court: Very well.
Mr. E. H. Bloch: May I come up to the bench for one moment, your Honor?
[fol. 170] The Court: Yes.

(The following took place at the bench, outside the hearing of the Jurors:)

Mr. E. H. Bloch: In connection with this last juror, his father, he said, was a member of the Grand Jury. I was wondering whether that was the Grand Jury that indicted these defendants?
Mr. Saypol: It couldn't be, because that Grand Jury is still in session.
Mr. Lane: The August Grand Jury who was the one returned the indictments.
The Court: He said it was last fall.
Mr. Saypol: He said it was the same jury.
Mr. E. H. Bloch: They were superseding indictments.
Mr. Saypol: Same Grand Jury.
Mr. E. H. Bloch: I mean, I take your assurance that he was not on it.
Mr. Lane: We don't know the names.
Mr. E. H. Bloch: That is why I came up to the bench. I think it is extremely relevant.
Mr. Saypol: Why don't you ask him what his name is? He said it was his grandfather.
Mr. E. H. Bloch: No, his father.
Mr. Saypol: There is no Rader on that panel.
[fol. 171] Mr. Lane: We will check.

Mr. Saypol: Subject to check, I say he is not on the panel. Let's ask him whether he is still serving. If not——

The Court: Mr. Rader, is your father still serving on the Grand Jury?

Mr. Rader: He is not active at present, but he is still subject to call.

Mr. Saypol: He is still subject to call. I don't know what that means.

The Court: That means the Grand Jury hasn't been disbanded; that is what it means.

Mr. Saypol: We will check that immediately. Take the statement for the record that I believe he is not on the panel that returned this indictment or any of the superseding indictments.

The Court: All right.

Will he come right back?

Mr. Saypol: It will only take about two minutes.

The Court: I wonder if he understood we are holding up the proceedings until he got back?

Mr. Saypol: That inquiry might be made by telephone directly to Mr. Connell. He probably could give him the answer immediately.

The Court: Why don't you do that?

[fol. 172] Mr. Saypol: He can pull the card right from his files.

The Court: Was it the August Grand Jury?

Mr. Saypol: Yes.

By the Court:

Q. What is your father's full name?

A. Martin F. V. Rader.

Q. Do you know when your father served?

A. I do not know the date, no.

Q. You say your father had served this fall?

A. I thought he had, yes, sir.

Mr. Cohn: It may have been the State Grand Jury.

Q. Are you sure he served in the Federal Grand Jury?

A. It was my understanding that it was the Federal Grand Jury.

The Court: Well, at least it is indicative of the fact that he and his father weren't on speaking terms.

Mr. E. H. Bloch: I don't want to pass judgment on that. I was wondering, in view of the arguability of the relationship, whether the prosecution might consent——

The Court: Whether they might what?

Mr. E. H. Bloch: Might consent in the defense request that this juror be excused?

Mr. Saypol: What is the contention that is made?

Mr. E. H. Bloch: Well, the contention is this: There seems [fol. 173] to be some question of whether or not his father sat on a Grand Jury. Even though the records disclose that his father sat until May, the juror states that it is his belief that his father did sit on a Grand Jury.

The Court: Well, I would say, even assuming that his father did, that wouldn't be an automatic disqualification, particularly where the juror discloses, as he does here, such a complete lack of knowledge of what his father does.

Mr. Saypol: I would go further and say that that perhaps would qualify him more to serve.

The Court: I think it would indicate a refreshing frankness on the juror's part and I can't see that that should be a disqualification for cause. Of course, it is up to the Government, if they want to consent.

Mr. Saypol: We would not. I shouldn't put a stigma on any juror that way.

Mr. E. H. Bloch: I am not trying to put a stigma on any juror. I am trying to test the impartiality of the juror. If there is any reasonable doubt in any of our minds, I thought that he had come to the conclusion——

Mr. Saypol: There isn't any basis or hint of a doubt. [fol. 174] Mr. E. H. Bloch: Well, except that out of a population of seven million, it is very coincidental that a father and a son should be sitting respectively on a Grand Jury and a Petit Jury within a few months, and where there might be a chance that the father did sit on the Grand Jury which indicted these defendants.

The Court: I think you are building something that doesn't exist here.

Mr. E. H. Bloch: It may be.

The Court: As I said, even if he did, I am satisfied that

this juror is showing such complete frankness and honesty concerning the matter that I wouldn't find that there had been any cause to disqualify him, although I might, in my discretion, if it appeared that it was, just to make everybody happy, excuse him.

Mr. E. H. Bloch: That is what I thought we could do.

The Court: But aside from that, I don't see any purpose of further discussion, and, as I understand it, Mr. Saypol, you are willing to stipulate, aren't you, that your——

Mr. Saypol: Indeed I am not, if the Court please.

The Court: No. You are willing to stipulate that his father was not on this Grand Jury.

Mr. Saypol: I will state that as a fact. I certainly should [fol. 175] not want one, who served on the Grand Jury that filed this indictment, to be related to the case, but on the other hand, as emphatically as I can, I shall not do anything to stigmatize the relationship.

Mr. E. H. Bloch: I not only did not want to stigmatize the relationship, I wanted to honor the relationship of son and father there by showing there might be an esprit de corps of the closest kind.

The Court: Apparently there isn't any esprit de corps, because he doesn't know what his father has been doing of late.

Mr. E. H. Bloch: Defense asks that Juror No. 9 be excused.

The Clerk: Mr. Rader excused by the defense.

Louis Boxer, No. 9.

(Mr. Boxer, prospective Juror No. 9, took his seat in the jury box.)

By the Court:

Q. Mr. Boxer, have you heard everything that has transpired?

A. I have, your Honor.

Q. Is there anything you care to volunteer to the Court?

A. Yes, sir. I would like to say that I am opposed to capital punishment.

The Court: All right, excused.

The Clerk: Mr. Boxer excused by the Court.

[fol. 176] The Court: His father was not on that Grand Jury.

Mr. Lane: That's right.

The Court: All right.

The Clerk: Mrs. Lisette D. Dammas, No. 9.

(Mrs. Dammas, Prospective juror No. 9, took her seat in the jury box.)

By the Court:

Q. Mrs. Dammas, have you heard everything that has transpired?

A. I have, your Honor.

Q. Is there anything you care to volunteer to the Court?

A. That my son-in-law is in the National Guard, that is all, and I have served on the Grand Jury, that is all.

Q. How yong ago?

A. Bronx County.

Q. Bronx County Grand Jury?

A. Bronx County, in May, 1950.

Q. By reason of either of those facts——

A. It wouldn't have anything to do with it, as far as I am concerned. I will listen to the evidence.

Q. Mrs. Dammas, you were a switchboard operator, is that right?

A. Yes.

Q. And your husband is a dispatcher for the I.R.T.?

A. That's right.

Q. Did you say your son is in the National Guard?

[fol. 177] A. That's right.

The Court: Very well.

The Clerk: Walter J. Brown excused by the Government.

Charles J. Duda, No. 10.

The Court: Last challenge coming up for the defense; last challenge coming up for the Government.

(Mr. Duda, prospective Juror No. 10, took his seat in the jury box.)

By the Court:

Q. Mr. Duda, have you heard everything that has transpired in this case?

A. I have.

Q. Is there anything you care to volunteer?

A. My grandparents were born in Czechoslovakia and one relative of mine served in the United States Navy in the last war.

Q. Would either of these facts that you have just related, in any way interfere with your keeping an open mind in this case?

A. No, sir; they would not.

Q. You are a bookkeeper, I notice, with Davis & Lawrence Company?

A. That's right.

Q. Are you married?

A. Yes, I am.

Q. How long have you been married?

A. Seven years.

Q. Does your wife work?

A. No, she does not.

The Court: Very well.

[fol. 178] Mr. E. H. Bloch: Would you ask the juror whether he has any children?

The Court: Have you any children?

Mr. Duda: One, three years old.

The Court: Very well.

Mr. A. Bloch: Defendants pass.

The Court: You waive your last challenge?

Mr. A. Bloch: That is correct.

Mr. Saypol: Challenges waived and the jury is satisfactory to the Government.

The Court: Very well.

Mr. Kuntz: Satisfactory to the defendant.

The Court: Jury satisfactory all around.

Mr. E. H. Bloch: Satisfactory all around.

(Jurors sworn in by clerk.)

The Court: Madam and gentlemen, you have been selected as jurors in this case. My bailiff will escort you when we take our recess for lunch, to the jury room, which is behind the courtroom, here, where you will leave your hats and coats. You will in the mornings, go to that jury room, leave your hat and coat there and wait until you are sent

for; the same thing during your luncheon recess. When we return this afternoon, we will pick four alternate jurors.

I will ask everybody in the panel to return here at 2.20 [fol. 179] today, the jury at 2.20 today. I am quite a fuss budget about being prompt. I try awfully hard to be prompt myself and I would appreciate if everybody concerned with this case will be prompt.

I will tell you something about the hours which we will keep during the course of this trial this afternoon, and, of course, I admonish you now and I ask you to carry it with you at all times throughout this trial, not to discuss it with your fellow jurors, not to discuss it with anybody at home, not to discuss it with anybody, not to permit anybody to discuss the case with you, and, of course, not to read a newspaper, read anything in a newspaper concerning this case, not to listen to the radio, not to watch television, at no time to read any magazine that deals with this particular case.

We will now recess until 2.20.

(Recess to 2.20 P. M.)

[fol. 180] Afternoon Session

(Miss Adele Dugger called as a prospective alternate juror.)

Mr. Saypol: Will the Court suffer an interruption? I think the record is barren as to any indication by the Court on the number of alternates.

The Court: I did say this morning there would be four alternates.

Mr. Saypol: Has your Honor made a direction with respect to challenges?

The Court: Well, that is according to the rules, two challenges to each side.

Mr. E. H. Bloch: Two on each side?

The Court: Yes.

(Emerson C. Nein, Richard Lombardi and Mrs. Edna Allen, called as prospective alternate jurors.)

The Court: Now I assume the alternate jurors have heard everything that has transpired in this case so far. If you haven't, will you please speak up. Is there anything that any of you would like to volunteer to the Court?

Mrs. Allen: I have a son in the Army, in the Chemical Corps.

By the Court:

Q. Presently in the Chemical Corps?
A. Yes.
[fol. 181] Q. Would that fact in any way prejudice you in this case?
A. No.
Q. Do you feel you can keep your mind open?
A. Yes. And my parents were born in Austria.
Q. Your parents were born in Austria?
A. Yes.
Mr. Nein: I had one year in the service in 1928. The bank in which I was employed was a codefendant in an antitrust suit. Subsequently the complaint was dismissed.
Q. What bank was that?
A. The Empire State Bank.
Q. As a result of any of these factors that you have related, do you feel that you might be prejudiced in this case?
A. No.

Mr. Lombardi: I am a Government employee and ex-service man. My son is a veteran of the last war.

Q. What branch of the Government?
A. Post Office.
Q. Do you feel it would be embarrasing for you to serve in this case by reason of that employment?
A. No.
Q. Do you feel by reason of anything you have stated here that you might be prejudiced and could not keep your mind open?
A. No, sir.
Q. All right. Miss Dugger, you are a secretary, are you?
A. Yes.
Q. With the Benjamin Adler Corporation?
A. Yes, the Adler Trading Corporation.
[fol. 182] Q. What is their business?
A. Well, it has just recently been a corporation; it is now Benjamin Adler Cotton.
Q. What business?

A. In the cotton business.
Q. Cotton converters, are they?
A. No; through the Cotton Exchange.
Q. Are you married?
A. No.
Q. Mr. Nein, you are assistant auditor in the Empire City Savings Bank?
A. I am an auditor.
Q. Are you married?
A. I am.
Q. How long?
A. 20 years. I have a son 18 and a daughter 19.
Q. What do your children do?
A. My daughter is employed by a patent attorney, secretary. My son is presently unemployed.
Q. Mr. Lombardi, are you married?
A. Yes, sir.
Q. How long?
A. 27 years.
Q. Any children?
A. Two, 26 and 24. Both married. A son and a daughter.
Q. What does your son do?
A. He is a radio announcer in New Hampshire.
Q. And your daughter?
A. She is just out of school.
Q. What does her husband do?
A. Oh, he is a bank teller.
[fol. 183] Q. Mrs. Allen, are you a housewife?
A. Yes.
Q. And your husband is a sheet metal worker?
A. Yes. He works for Consolidated Edison.
Q. Any children?
A. Yes. Four.
Q. Four? What are their ages?
A. My son is in the Service. My daughter is 18. Another daughter 14, another one 9.
Q. Miss Dugger, Mr. Adler had some litigation in this court recently, didn't he?
A. Yes, he did have one. I don't know what it was. I haven't been very long in it.
Q. It was a civil litigation?
A. It was a civil case, yes.

Q. You don't know anything about the details?
A. No. I didn't even know who it was or anything except that it was in this court.

Mr. E. H. Bloch: Can we assume we are to exercise our challenges singly?
The Court: Singly.

Mr. E. H. Bloch: We pass.
The Court: You waive this one.
The Clerk: Miss Adele Dugger excused by the Government.
Adolph W. Barr, alternate No. 1.

[fol. 184] (Mr. Barr, prospective alternate Juror No. 1, took his seat in the jury box.)

By the Court:

Q. Mr. Barr, I assume you have heard everything that has transpired in this case so far?
A. Yes.
Q. Is there anything you care to volunteer to the Court?
A. My daughter was with the Manhattan Project, under Dr. Urey. I think I would be biased.
Q. You do think you would be biased?
A. Yes.

The Court: You may be excused.
The Clerk: Mr. Barr excused by the Court.
Leon J. Cambern, Alternate No. 1.

(Mr. Cambern, prospective alternate Juror No. 1, took his seat in the jury box.)

By the Court:

Q. Mr. Cambern, is there anything you care to state to the Court?
A. I have heard everything, your Honor. This is embarrassing, because I have a deep sense of obligation; I would like to serve on this case, but there will be evidence and testimony presented, which I would not, under any circumstances, accept.

The Court: Very well.

The Clerk: Mr. Cambern excused by the Court.
William Barnett, alternate No. 1.

(Mr. Barnett, prospective alternate Juror No. 1, took his [fol. 185] seat in the jury box.)

By the Court:

Q. Mr. Barnett, is there anything you care to state?
A. Sir, I am a member of the State Guard and I am opposed to capital punishment.
Q. Even though you have nothing to do with imposing it?
A. No, sir.

The Court: Excused.
The Clerk: Mr. Barnett excused by the Court.
John F. Moore, alternate No. 1.

(Mr. Moore, prospective alternate Juror No. 1, took his seat in the jury box.)

By the Court:

Q. Mr. Moore, do you feel you could serve with propriety in this case?
A. I do, sir.
Q. Is there anything you care to state?
A. Yes, sir; I am a veteran of World War I, served in the United States Army. I have a friend that is a policeman, a casual acquaintance.
Q. Casual acquaintance?
A. Yes, sir.
Q. Has anything happened in your relationship with your policeman friend that would cause you to be prejudiced against either of the sides here in this litigation?
A. No, sir.
Q. You feel that you could hold your mind open and [fol. 186] decide this case, if called upon to do so, based on the evidence?
A. Yes, I do.
Q. You are a business representative for the Consolidated Edison Company; is that right?
A. That's right.
Q. Are you married?

A. Yes, sir; two children, one and three years of age; wife at home.

The Court: Very well.

Mr. E. H. Bloch: Would your Honor kindly ask Mr. Moore for whom this casual friend of his is a policeman?

Mr. Moore: City of New York, sir.

Mr. E. H. Bloch: And may we also find out how long Mr. Moore knows this policeman?

By the Court:

Q. How long do you know this policeman?

A. About 18 years, sir, in which time he hasn't been a policeman all that length of time.

Q. How long has he been a policeman?

A. About seven years.

Q. Does he ever discuss his police work with you?

A. No, sir, he does not.

Alternate Juror No. 2: Your Honor, I don't know if it is material or not, but I am an officer of the bank.

The Court: You are an officer of your bank?

Alternate Juror No. 2: That's right.

[fol. 187] The Court: All right.

Mr. E. H. Bloch: Defense waives.

Mr. Saypol: Government likewise waives and the jury is satisfactory.

Mr. Kuntz: Satisfactory.

(Alternate jurors sworn by the clerk.)

The Court: Well now, will the alternate jurors please follow the bailiff here, who will help you put your coats away and you will return to the courtroom.

The Clerk: Will the remaining jurors please return to Room 109?

COLLOQUY BETWEEN COURT AND COUNSEL.

The Court: May I see counsel, please, at the bench.

(The following discussion took place at the bench, outside the hearing of the jury:)

The Court: I want to talk to counsel about openings. Will you keep your openings brief? I don't think much is accomplished anyway by openings.

Mr. A. Bloch: I intend to take about three minutes, perhaps five.

The Court: How about you?

Mr. E. H. Bloch: Not very much.

Mr. Kuntz: I will take very few minutes.

Mr. Saypol: I will take about 12 minutes.

Mr. A. Bloch: I was wondering if I could make a sugges-[fol. 188] tion in order to avoid repetition and duplication? Can't it be understood that any objection made either by my son or me, or any exception taken by him or by me, or any motion by him or by me, should be taken as if I had made it, or as if he had made it.

The Court: It will be so considered.

Mr. Phillips: In order to avoid usual repetition——

The Court: You want their objection to inure to your benefit?

Mr. Phillips: As well.

The Court: Well now, I will permit that in the absence of any statement from you to the contrary. In other words, if you don't want some objection they have taken for some reason not be used for your benefit, why, you will so state and I will permit it.

Mr. Phillips: Of course.

The Court: All right.

Mr. Saypol: Does your Honor intend to hear motions?

The Court: I might say this on the matter of motions: I would make that very brief, too. I have read your briefs, and while I think you have done a splendid job in your briefs, I really don't agree with you, and so I don't think you need labor the point in your argument, but if you want [fol. 189] to argue it, you can argue; if you want to make it pro forma, you can make it pro forma.

Mr. E. H. Bloch: I hope your Honor will bear with me. It is on the first point that I want to elaborate, and at the present time I know that the Court hasn't foreclosed its mind. I want to try to be persuasive.

The Court: I will let you argue, but I have read the cases and my feeling in the matter is, it was inherent in the Goren decision, it was not violative of free speech, and so forth.

Mr. E. H. Bloch: I understand. That is why I wanted to talk about that point.

Mr. Saypol: May I join in your Honor's observation?

The Court: So you won't be too elaborate on it.

Mr. E. H. Bloch: I will try not to.

Mr. Saypol: After we get through with these motions, will you give us a five-minute recess?

The Court: (To the jury) We have got some legal matters that have to be argued before the Court, so I will excuse the jury for the time being. They will please follow the bailiff and we will send for you when we need you.

[fol. 190] Mr. A. Bloch: May I step up to the bench for a moment?

(The following proceedings took place at the bench outside the hearing of the jury:)

Mr. A. Bloch: I would like to be excused while my son is arguing the motion.

The Court: All right, if it is all right with your client, it is all right with me.

The Court: May we understand, Mr. Bloch, if that occurs from time to time, that your son will always take over in your place?

Mr. A. Bloch: That's right; I wanted to emphasize that.

The Court: Very well.

All right, I will entertain motions now addressed to the indictment.

Motion to Dismiss Indictment as to Rosenbergs

Mr. E. H. Bloch: If the Court please, on behalf of the defendants, Julius Rosenberg and Ethel Rosenberg, I am making this motion to dismiss the indictment upon three broad grounds, the first two of which involve constitutional objections and the last or third, involve defect in pleading.

As to the first two points which relate to constitutional arguments, before formulating them for the record, I would like to say that there is no dispute here—of course I [fol. 191] wouldn't care to dispute the obvious—that Congress has both the competence and the power to legislate on the subject of espionage. I think that would be so axiomatic as not to call for any remarks whatsoever. However, in connection with the exercise of that right and power

to legislate on the subject, I think that any legislation must be viewed, balanced and counterposed against the great fundamental rights embodied in our Bill of Rights, and particularly the rights guaranteed by the First Amendment; and I think the law is settled that where legislation, that would otherwise be proper in legislating on any particular subject, runs counter to or infringes upon rights guaranteed by the First Amendment, the statute must fall.

Now, it is the contention of the defendants that the statute upon which this indictment is based, namely, Section 974 of Title 18 of the United States Code, which is really combined former Sections 32 and 34 of former Title 50, is a bad statute, is a void statute, because in the first place, on its face it violates the First Amendment to the Constitution of the United States, for failure to establish sufficiently definite and certain findings of guilt; and in the second place, that the statute on its face violates the fifth—at least the due process clause of the fifth—and that part [fol. 192] of the section which entitles a defendant to a fair statement of the charge against him upon the grounds for failure to establish sufficiently definite and certain findings of guilt; and I would like to take the time which the Court is allotting to me to dwell upon and elaborate a little bit on the first point, particularly with reference to dissipating from the mind of the Court as well as from the minds of many people, the facile assumption that the Goren cases precludes a consideration of the approach and the arguments and position here taken.

I say to the Court that never before has this statute been tested or challenged upon the grounds that it violates the First Amendment, and I say to the Court—and I think I will be able to persuade the Court—that the Goren case—and I am not citing the cases because the Court has my brief; I think almost every lawyer has read the Goren case—the Goren case involved a situation in which this statute was construed, but where neither the appellant nor the Government ever raised a question of the impingement of the rights under the First Amendment. I have not only read the opinion, I have read the briefs submitted by the Government and by the appellant, and all that the Court did in that case was to validate the statute upon the ground

[fol. 193] that it did not transgress the due process clause under the Fifth Amendment.

Now, I say that this question has never been raised and it was not implicit in the decision in the Goren case, because under well established practice of the courts, courts will not sua sponte strike down a statute as unconstitutional unless the precise questions pertaining to the alleged unconstitutionality are set forth and raised before the Court.

In the Goren case the appellant conceded by not raising that the statute did not violate the rights of freedom of speech or press or the related rights under the First Amendment.

[fol. 194] And I think that that statement that I just made with respect to the Gorin case is applicable to the Heine case decided by this Circuit about six years ago and which followed by about five years the decision of the Supreme Court in the Gorin case. I say to the Court that when a statute is challenged upon the ground that it comes within the condemnation of the decisions forbidding infringement, impingement, impairment or destruction of rights under the first Amendment, that the questions presented to the Court take on an entirely different aspect, because when a statute is so presented as violative of the First Amendment it comes without the presumption of constitutionality; when it is merely challenged on some other constitutional ground it comes within the presumption of constitutionality.

To put it another way, the presumption of constitutionality is reversed when First Amendment rights are claimed to have been violated.

Now why do I say that First Amendment rights have been violated? The Court has my brief and I don't want to repeat or be repetitious or duplicate what I have already said except by way of emphasis. It is quite evident that the key words in this statute are the words relating to the national defense. The statute makes it a crime for anybody with intent or reason to believe that it may be used to the [fol. 195] advantage of a foreign power I am going to leave out "to the injury of the United States" here because this indictment merely alleges to the advantage of a foreign power any document or sketches or notes or memoranda or any information relating to the national defense.

Now the words "national defense" have absolutely no

definition that can be found, at least not found by me in my research, in any lay dictionary or in any legal dictionary, and the words "national defense" were unknown in common law. And they are not those words of art which are usually used in statutes, and which aim at prohibiting conduct on the part of a special group or class, with a particular technical advancement or knowledge so that the words would have a specific connotation, and that incidentally distinguishes a number of the cases where statutes have been held, not vague and not uncertain where directed against people in a certain vocational business who understand through the trade and through usage and technical habits the meaning of certain words. We find that in the words "national defense", and as the courts, I believe, have impliedly acknowledged, national defense is really a social and a political concept.

Now, one may say that concepts may be the subject of litigation, but I say that when social and political concepts [fol. 196] are changeable, are not static, but vary from day to day and year to year, and expand according to the vicissitudes of history or the unpredictable changes in the field of international relations, that you have something which is very elusive, and which in my estimation is so equivocal as not to come within the well-recognized rule that statutes should prescribe with sufficient definiteness precisely what they mean, what mischief they seek to avoid, and what an actor may be warned against in his conduct in the transgression of the statute.

The Court: I don't see what that argument, that the United States Supreme Court ——

Mr. E. H. Bloch: I am coming to that.

The Court: Just listen to me a moment.

Mr. E. H. Bloch: Yes.

The Court: Gorin v. the United States dealt with the same question as to the interpretation of the words "national defense".

Mr. E. H. Bloch: That is correct.

The Court: And they said ——

Mr. E. H. Bloch: It is on page 8 of the brief.

The Court: Page 28 of the case.

Mr. E. H. Bloch: All right.

The Court: "Finally we are of the view that the use of

the words has given them, as here employed, a well under-[fol. 197] stood connotation. They were used in the Defense Secrets Act, the Act of 1911. The traditional concept of war as a struggle between nations is not changed by the intensity of support given to the Armed Forces by civilians or the extension of combat area. National defense the Government maintains, is a generic concept of broad connotation referring to the military and naval establishments and the related activities of national preparedness. We agree that the words "national defense" in the Espionage Act carry that meaning."

There is an adjudication by the United States Supreme Court on the subject.

Mr. E. H. Bloch: And as you know, your Honor, I have quoted at least part of what your Honor has just read in my brief.

The Court: But you are in effect saying that despite the fact that the United States Supreme Court has dealt with the interpretation of the words "national defense" and found them to be words of certainty and definiteness that I should nevertheless say that the statute today is so vague that it is violative of not only the Fifth and Sixth Amendments, but the First as well. Is that not in effect your argument?

Mr. E. H. Bloch: May I paraphrase? Will you give me the liberty of paraphrasing what the Court has said, and [fol. 198] what my position is?

The Court: Go ahead.

Mr. E. H. Bloch: I am saying to the Court, as I said at the beginning of my argument, that when you begin to test a statute where it is alleged that it contravenes rights under the First Amendment, you must view it much more strictly in favor of the person challenging it than if the challenge were merely made under the Fifth and Sixth.

Now, of course, the Supreme Court has said that "national defense" in the Gorin case, is a generic concept or broad connotation referring to the military and naval establishments and the related activities of national preparedness. I would like to take that definition, of course. That definition is binding upon the Court; it is binding upon me; and binding upon every lawyer; it is binding upon every citizen;

but let us analyze it and let us think through what this means, whether this has made the words "national defense" that kind of a definite and certain term as not to come within the condemnation of the First Amendment argument that I have just made. Now the fact remains that only five years later, Judge Learned Hand, the presiding judge in this Circuit, had this very same statute, and he also was very much concerned with what "national defense" meant and [fol. 199] here is what he said "national defense" meant. —He said a literal meaning of "national defense" involves, and I am quoting——

The Court: I know. I have read the case.

Mr. E. H. Bloch: "Every part, in short, of the national economy and everything tending to disclose the national mind are important in time of war, and will then 'relate to the national defense' ". Then he goes on to enumerate——

The Court: I have read it.

Mr. E. H. Bloch: —the particular fields of activity which can be swept within the purview——

The Court: But in doing——

Mr. E. H. Bloch: —of this statute.

The Court: But in doing so he was limited, wasn't he, further?

Mr. E. H. Bloch: I am going to come to that, to the judicial limitation point. What I am saying to the Court now is a literal reading of this statute makes it void on its face because it is so broad. As the Supreme Court said, a concept of broad connotation. It is so broad as to encompass every part of the economy. Let me ask you this question, your Honor.

The Court: Yes, but——

Mr. E. H. Bloch: Just envisage this situation: Let us assume that some agency of Government under this statute, [fol. 200] and as we come to that you will see that it will be the military, labels every aspect of national life as secret and confidential; would you say that it is your concept that this statute was enacted and envisaged to give the military such power as to impose a military dictatorship in this country? Now that is precisely what must be the logic of the position of anybody who says that "national defense" as defined by the Gorin case, is the definition which must be binding upon the citizenry of this country.

Now, in my estimatton, your Honor, I don't think Congress intended any such thing. I don't think you believe that it intended any such thing. But yet, what will prevent a court, if it is going to give a literal adherance to the definition in the Gorin case, from saying—"Well now, this is a concept of broad connotation and if the military says this is secret and this is confidential, then that can be proscribed activity and conduct".

The Court: That is not the problem at this point, as I see it, because we are not dealing with the kind of case such as you point out.

Mr. E. H. Bloch: That is correct.

The Court: We have a case here where no such question apparently is even being raised as to whether or not the military had a right to declare what the Government claims [fol. 201] secret information should have been secret. So that I don't think we ought to deal with that at all in that hypothetical case.

I would suggest this; I have your point. I have your point well in hand. I understand your point very well. I think you ought to wind up your argument unless there is something else, some other point you want to get across, and I will then rule.

Mr. E. H. Bloch: All right. Now then, your Honor, let me say this, merely because that is a reductio ad absurdum illustration to prove my point——

The Court: I understand.

Mr. E. H. Bloch: —as pointedly as I could make it. I merely say to you on the fact of the statute, even Judge Hand has used the following expression, "A drastic repression of the free exchange of information". I have to take this statute on its face and I am addressing my motion here to the Court with respect to the statute on its face.

The Court: Did I understand correctly that your co-counsel in arguing before the Court of Appeals this week on a writ of habeas corpus for the defendant Sobell raised this question of constitutionality? And did I not understand that Judge Frank had said that it was inherent in the Heine case, this case you are talking about——

[fol. 202] Mr. E. H. Bloch: May I answer that?

The Court: Just let me finish.

Mr. E. H. Bloch: I am sorry.

The Court: (Continuing)—which Judge Learned Hand had written, that the Court had ruled upon the question of constitutionality. It was apparent, he said, as I understand it——

Mr. E. H. Bloch: May I say this to the Court in answer to that incident? I can't say categorically that that was so. It would be pure he-resay on my part. I wasn't present, but I am going to take the Court's understanding of what occurred there because from hearsay I think that is about what happened.

Now I don't know whether Mr. Phillips who presented this argument had a chance to elaborate. I got the impression that it was a rather summary disposition of this question. All I would like to say to the Court, if the Court will give me a chance to elaborate just a little bit.

[fol. 203] The Court: I would rather——

Mr. E. H. Bloch: I would have answered Judge Frank as follows: that there is nothing in the Heine case, in the printed words of the decision or in the brief of either the appellant or the appellees which raised the constitutional point. On the contrary, that case went up solely on the question of whether or not the evidence was sufficient to convince the defendant, and it merely went to the quantum of the evidence, for certainly no constitutional questions were involved, and I say that by no stretch of the imagination can we say that there was impliedly put into that decision a ruling on the constitutionality. Certainly if the appellees didn't raise it I can't see how it can be said that it was raised, and moreover if the court wanted to talk about constitutionality and make itself clear, it would have said so. No at all. Judge Hand felt, and I think with great realism, that there was something wrong with this statute and he tried, he tried to apply it or define it so that it might come within that area upon which there would be no constitutional attack. But in doing so, your Honor, and this is also true of the rationale in the Gorin decision, not only the rationale but the actual statement of the Court—what the Supreme Court did in the Gorin case and what the Circuit Court of Appeals did in the Heine case was to dele-

[fol. 204] gate to the military the authority to control communication of information and of ideas and put a fetter upon

any cultural intercourse, any political intercourse, any social communication, and I say that Judge Hand was absolutely right when he said a drastic repression of the interchange of ideas, but in trying to mold the statute into an area where it could be held proper, maybe the courts didn't think it true, but I am impressing upon the Court now that it is true, that they themselves exceeded their power in delegating power to the military. That is uncalled for on the basis of the statute. There is nothing in the statute that talks about a declaration by a court of secret, not secret, confidential, or not confidential information. By doing that in the first place, they did something which they were not authorized to do, and the courts have recognized that at times when they have in the constitutional field exceeded their powers. They did it in Erie v. Tompkins, where they reversed the Swift v. Tyson case after the Swift v. Tyson case had been the law for eighty years. It had not been pressed upon them and that is what I am doing now.

The Court: It may still be that if you eventually take this case up to the United States Supreme Court maybe they will change their minds.

[fol. 205] Mr. E. H. Bloch: Well, I understand that. Your Honor in a sense, sitting as a District Judge, is circumscribed and would hesitate——

The Court: That is correct.

Mr. E. H. Bloch: Would hesitate a lot before you would say about this statute that it is unconstitutional. However, I am saying to the Court that after some research and some thinking on the subject I am reasonably convinced that this is a sound argument; otherwise I would not press it upon the Court and I would not want to put the Court in a position where it is reluctant and would be forced to be express in some manner shape or form.

I would like to make one further point.

The Court: Make it very brief, please.

Mr. E. H. Bloch: I will. Just one further point.

The Court: We want to actually get to the testimony today.

Mr. E. H. Bloch: I am going to be through in just about two or three minutes, your Honor. Not only did they delegate without warrant and unconstitutionally powers to the military to control communications protected by the First

Amendment, but they bound themselves by the very definition that they put upon the words, *they bound themselves* [fol. 206] *by the very definition that they put upon the words,* they bound themselves by the military decision, so that no matter what the military may do, if the Gorin and Heine cases are to be read with a certain amount of common sense and logic and implication, the courts would be forced to yield to that ruling or regulation or exercise of power by the military, and I say this——

The Court: Are you serious in that argument?

Mr. E. H. Bloch: I am.

The Court: Do you think if your argument is carried to a ridiculous end, that no matter what the military ever do, and they declare everything secret, as a matter of fact you are not even supposed to go home and talk to your wife about anything, you are not supposed to answer how she is feeling, you would say that if they did that——

Mr. E. H. Bloch: That is the logic of the decision. I will say this, I have enough confidence in the Court to know that when they come to a situation like that, they begin to realize that they didn't mean to go that far.

The Court: That is all they have done here. They have done no more.

Mr. E. H. Bloch: I say I have taken the law as I find [fol. 207] it and the definitions as I find them, and I say on the face of this statute as interpreted by the courts, fundamental rights of the first Amendment must be transgressed.

Let me tell you, your Honor, that was the understanding in connection with the whole controversy that engendered enactment of the Atomic Energy Act. It was because scientists raised a protest against incursions upon their right to scientific research and right to communication that Congress passed the Atomic Energy Act. Unfortunately they didn't repeal this Act or amend it so as to make it Constitutional.

Now the fact is that in the Atomic Energy Act, as in the Defense Act of 1950, as well as in the Act which empowered the High Commissioner in Germany to exercise certain powers there, they laid down certain safeguards so that these agencies or these men who were delegated the power to do certain things could not do them carte blanche. This

delegation of power made by the definitions, and by the meaning of the Gorin and Heine cases, I say, empower the military to do anything they wanted which would transgress, and the instances or at least certainly one instance, cited about the Saturday Evening Post article I think, should convince the Court how uncertain anybody can be whether [fol. 208] something will be classified today and then declassified tomorrow and reclassified four days later.

As a matter of fact, I understand that I am just saying this maybe jocularly, that a Russian magazine dealing with atomic energy which was in free circulation in this country, was marked secret by the Pentagon, and I say under this statute had anybody sent that magazine to a citizen, a subject of a foreign country, he would have violated this Act, as the Act is on its face.

What I am trying to point out to the Court is the obvious danger in the Act when taken on its face, and it must be taken on its face, because every statute is good on its face or is bad on its face, and if it is bad on its face and it transgresses upon rights under the First Amendment, then it is even bad as to those activities which could lawfully come within the competence of the Legislature to proscribe and condemn.

The Court: I have got your point.

Mr. E. H. Bloch: That is my point and I am not going to elaborate any more because you have my brief. I merely want——

The Court: Do you join in that motion?

Mr. Phillips: We all do.

Mr. E. H. Bloch: There is just one other point I want to get down for the record so there is nothing left to infer [fol. 209] that I have waived it because I am presenting this——

The Court: That is the objection to the indictment?

Mr. E. H. Bloch: The point of the indictment——

The Court: Being defective?

Mr. E. H. Bloch: It is defective because it fails to allege that the conspiracy to transmit these writings and information relating to the national defense of America to a foreign country was designed to further conduct proscribed by the statute, on which the indictment is founded, and the corol-

lary point which is really a negative statement of that, by the definitions of the Gorin and Heine cases, certain exemptions and exceptions were set forth that those people who did communicate non-secret and non-confidential material did not come within that purview of the statute; that the indictment is void because it fails to allege that the conduct claimed to have been done by these defendants or performed by these defendants fell outside that exempted and lawful area of conduct within the meaning of the statute.

The Court: Very well. Does the Government care to say anything?

Mr. Saypol: I should hardly think it necessary to even answer except in regard to the statement of counsel that [fol. 210] the courts should apply the same degree of common sense as he does. I am willing, after reading the cases, the Court of Appeals precedent in III Fed. (2d) 712 and the discourses of our own Court of Appeals and the litigation revolving around this statute, to apply the common sense used by the courts rather than that of my adversary. I think that the argument is captious; it is pedantic to say the least, and I say the motion should be denied.

Mr. Phillips: On behalf of the defendant Sobell, if your Honor please——

The Court: Well, are you going to add something now? Don't you think you have had sufficient?

Mr. Phillips: I want to clarify what happened in the Circuit Court of Appeals.

The Court: All right. That is unimportant. That will not bind me at all. Just strike from the record what I thought.

Mr. Phillips: That didn't take place at all. That motion was a motion for a stay.

The Court: I know what it was.

Mr. Phillips: And Judge Frank injected the idea that the Heine case was so worded as to make the statute constitutional.

The Court: Very well.

[fol. 211] Mr. Phillips: And for the moment I did not want to retort because I don't know yet that judges have the

power by any opinion to render a statute which in itself is unconstitutional, constitutional by reason of their opinion.

The Court: Well, who is going to decide whether it is constitutional? It is only a judge that decides that, isn't it?

Mr. Phillips: They wrote the opinion in such a way as to make the statute constitutional.

In addition to what my colleague said—by the way, I accept his motion on behalf of Sobell and join in the points that he raised. I want to point out in addition to that, that in the indictment, all the eleven overt acts charged, there isn't any mention of Sobell at all. I mean that is simply so that your Honor can get a sort of picture of the situation.

The Court: Very well.

Mr. Phillips: I want to add in addition to that that even if the constitutional points are out of the way, and the Court decides that they are not applicable, the indictment is bad in substance for these reasons: the charge in the indictment is in language too vague and indefinite. I think the language does not set forth essentially the facts constituting the offense charged as required by Rule 7 of the [fol. 212] Federal Rules of Criminal Procedure. In other words, the language of the statute is used, but not a single act indicating that that was done comes within the statute and that clearly is not the kind of an indictment, which requires that definiteness under Rule 7 of the Federal Rules of Criminal Procedure. The words "national defense" constitute a generic term under which the specific acts must be set forth in the indictment itself to make it valid. In other words, a defendant under that indictment is not told of a single act that he did which makes his act come within the purview of the indictment. Now the contents of the indictment do not set forth the facts constituting a crime under the laws of the United States of America if it is true that some acts relating to the national defense if revealed do not constitute a crime. Therefore the general statement that some one undertook to give information in relation to the national defense might mean those very acts in relation to the national defense which would not be actionable under a criminal charge. So that even if your Honor is correct in dismissing apparently the constitutional points,

although you did not rule, but I could tell from your response to the argument what is in your mind, I say that the indictment is fatally bad, and that has not been ruled on by the Circuit Court of Appeals.

[fol. 213] The Court: Very well.

Mr. Phillips: And by the way, incidentally, your Honor was under the impression that we argued the habeas corpus. We did not because the printed case on appeal has not yet been filed.

The Court: Your argument was for a stay.

Mr. Phillips: We gave the other side the printed brief. In other words, the case is ready for submission and if I had another week or ten days I could argue the habeas corpus if my adversary will facilitate that procedure. So there is no decision on that point. I didn't want your Honor to be under any such misapprehension.

Denial of Motion to Dismiss Indictment

The Court: I will take the last point first and that is with respect to the sufficiency of the indictment. My understanding of the law, of the basic requirement of an indictment is that the accused shall be sufficiently informed as to the charge which he or she is called upon to meet and that the indictment should contain such information so as to protect the defendant from double jeopardy. I have examined the indictment and I feel that it meets the requirements.

Now the argument in substance as I get it with respect to the indictment is that it should have been stated right in the indictment that the materiall that was turned over to the Soviets was of a confidential or secret nature. I [fol. 214] don't see much weight to that argument at all. I believe that the subject is sufficiently covered by a declaration as to the intention with which the defendants were acting, and the Supreme Court in effect in the Gorin case agreed with that observation by stating where there is no occasion for secrecy, as with reports relating to national defense published by authority of Congress or the military departments, there can, of course, in all likelihood be no reasonable intent to give an advantage to a foreign government.

Therefore when the Government alleges that the defendants intended to give an advantage to the Russian Government, it is inherent that they are charging that the defendants were turning over information which violated this statute as construed by the United States Supreme Court. Now I have cited the Gorin case time and time again. It is found in 312 U. S. Reports 1, and it held in effect that the espionage statute is sufficiently definite to apprise the public of the activities prohibited, and therefore accords with due process under the statute.

[fol. 215] There are some cases that have held that the conception of liberty, as provided for under the due process clause of the Fourteenth Amendment of the Constitution, embraces the right of free speech. I feel also that the case of United States v. Heine, found in 151 Fed. (2d), 813, a ruling by the Court of Appeals for this Circuit, construed the espionage statute so that any communication prohibited by that statute meant communications of a secret nature, and thereby the statute would not violate any rights guaranteed by the First Amendment to the Constitution. I believe that those cases impliedly, if not explicitly, held the statute to be in accord with the right of free speech, and in any event, I hold that the espionage statute does not violate the First Amendment. In effect, to give weight to the argument of the defense, that word should have been included in the indictment itself, to indicate in expressed and explicit language that the documents or plans or whatever the items might be, were of a secret nature, would be in effect to require the Government to include in indictments, a construction by the United States Supreme Court; and in view of the fact that the United States Supreme Court construed the espionage statute so that it was not violative of the Fifth and Sixth Amendments, and, in my opinion, not violative of the First Amendment, and in view of the ruling of the Court of Ap-

[fol. 216] peals in this Circuit in the Heine case, and independently of those cases, and because in my own views and research on the subject, I deny the motions of the defendants on all grounds.

We will at this time note an exception to the defendants.

Mr. E. H. Bloch: Defendants except.

Mr. Phillips: Except, if your Honor please.

Mr. E. H. Bloch: If the Court please, before you note an adjournment or adjourn, I would like to have introduced for identification, the briefs that were submitted to the Court. Now, the reason I make that request——

The Court: That is a new one on me.

Mr. E. H. Bloch: I don't want this record at any time, indicate that I have waived any of my constitutional rights. I have elaborated at some length on this whole question of the First Amendment. I did not elaborate on which I consider to be ambiguous language relating to the words "injury, advantage or reason to believe," which is incorporated in my brief.

The Court: I never heard of it.

Mr. E. H. Bloch: I just wanted to get into the record as much of my argument as the Court would allow me.

The Court: Your point in asking that your brief be marked for identification is that every point that you have [fol. 217] asserted in your brief should be considered as a point that has been actually raised vocally by you in this argument before me; is that the point?

Mr. E. H. Bloch: That is correct.

The Court: You can mark it for identification.

Mr. E. H. Bloch: That is all I ask. Thank you very much.

Mr. Phillips: That request is joined in by defendant Sobell, if your Honor please.

(Defendants' Exhibit B, consisting of two briefs, marked for identification.)

Mr. Saypol: I have two motions before you adjourn, your Honor.

The Court: Let's hear the motions.

Motion to Revoke Bail and to Remand and Granting Thereof

Mr. Saypol: I will be very brief. I move the Court to revoke the bail that has been granted, even though the defendants are in custody, to cancel the bail, remand them for the remainder of the trial.

The Court: Yes, I remand them.

Mr. Saypol: May the record show that the defendant David Greenglass has pleaded guilty to the indictment as

charged. The indictment shows that that plea was entered on February 2nd. It might have been appropriate to make that observation either in or out of the presence of the jury, in view of the questions propounded by the defend- [fol. 218] ants in respect to the evaluation, the weight that the jury would give to evidence, testimony of witnesses of that kind, but nevertheless, out of an extreme desire for care, I do it here in the absence of the jury.

The Court: Very well.

Mr. E. H. Bloch: I think the record should also show that the co-defendant David Greenglass has not been sentenced.

The Court: Let the record show it. It will be obvious, I am sure, during your cross-examination.

Mr. E. H. Bloch: I didn't quite get the point of Mr. Saypol's motion. I wanted to touch on that.

The Court: Mr. Saypol's point apparently is, in effect, he is saying that the case is not proceeding against Greenglass, in effect there is a severance; while he is named in the indictment, he is not sitting at the defense table, and he is explaining why.

Mr. E. H. Bloch: I thought Mr. Saypol moved to sever at the beginning?

The Court: Not as to Greenglass.

Mr. Phillips: May I make this observation? I recall in the course of your Honor's statement to jurors that Gold and Greenglass have been convicted.

The Court: They are convicted when they plead guilty. [fol. 219] Mr. Phillips: Well, I know, but that is not what a jury could understand.

The Court: That is what lawyers understand by a conviction.

Mr. Phillips: I know, but the jurors must have an idea that there was a trial and a conviction.

The Court: I trust to your ability as a lawyer to bring out on cross-examination that they pleaded guilty and were not convicted by a jury.

Mr. Phillips: I was hoping that your Honor would say that and thereby save me the necessity.

The Court: We will take a very short recess at this point.

Then we will hear the openings and then we will call your first witness.

(Short recess.)

The Court: Proceed.

OPENING STATEMENT OF MR. SAYPOL

Mr. Saypol: May it please your Honor, Mr. Foreman, ladies and gentlemen of the jury:

Judge Kaufman has just told you that I am the United States Attorney for this Southern District of New York. It is my duty to direct the presentation to you of the evidence that has been assembled by the investigative agencies of our Government, to prove the truth of the charge which has been made by the Grand Jury against the defendants [fol. 220] on trial here before you.

There are one or two things that might well be said of a general character before I get into a discussion of the facts in the case. I might say that that discussion, by my own choice, will be somewhat general. You will learn from me, later, that my reason for that is that the better way to judge evidence of the truth is from the witnesses rather than from the mouths of the lawyers in a case. Many of you are experienced jurors and you all appreciate what I mean.

I am conscious of my obligation and what it means to represent the citizens, the populace of this district. That means an obligation, on the one hand, to protect the rights of each individual, and, on the other hand, to protect the rights and the security of all the people by proceeding diligently against those who have offended against the laws of our land and perhaps who have dedicated themselves to the destruction of our country.

My colleagues and I at the counsel table for the Government will so conduct ourselves to the end that a fair trial is had in this courtroom by both parties in interest, the defendants and the Government of the United States.

We realize that every criminal prosecution has grave implications, both for the defendants and for the people of our [fol. 221] country. The facts, as they are developed before you here, will demonstrate that this case, where a Grand

Jury has charged a conspiracy to commit espionage in behalf of a foreign power, is one of unusual significance. The significance of a conspiracy to commit espionage takes on added meaning where the defendants are charged with having participated in this conspiracy against our country, at this, the most critical hours in our history, in time of war, around 1944.

Mind you, however, the seriousness of this charge does not make the issue complicated. The indictment returned by the Grand Jury is a simple one. The Grand Jury, as you know, is a body of citizens, like you, chosen by lot, as you were, and sworn to investigate and uncover crime. Such a Grand Jury has charged that the three defendants before you, Julius Rosenberg, his wife, Ethel Rosenberg and Morton Sobell, conspired with others to commit espionage. The Grand Jury charge is contained in a one-count indictment, which his Honor has read to you. It is charged that the three defendants, the Rosenbergs and Sobell, from 1944, until the time when they were indicted by this Grand Jury some months ago, conspired and agreed with each other and also with other conspirators, including Harry Gold, David Greenglass, David's wife, Ruth Green-[fol. 222] glass, and one, Anatoli Yakovlev, an agent and official of the Soviet Union, and with others. The Grand Jury has charged that the object and the purpose of this conspiracy by these people was their plan to deliver information, documents, sketches and material vital to the national defense of our country, to a foreign power, namely, to Soviet Russia.

It is charged by the Grand Jury that these conspirators did that with the intent that the information, the documents, the sketches and material, which I have described to you, should be used by the Soviet Union to its advantage. That is the charge which is now before you for your final judgment.

Just as you are the judges of the facts and the truth, the Court, the Judge, is the final repository of the law. At the appropriate time you will hear from Judge Kaufman concerning the law of conspiracy and other applicable legal principles; and mind you, it is the Court, not counsel on either side, from whom we, you and I and my adversaries,

must take the law. Counsel, of necessity, in order to make things clear to you, must on occasion refer to the governing law, but any such reference is, of course, subject to the final instructions of the Court.

For purposes of clarity, at this point I may say briefly that [fol. 223] a conspiracy is very simply an agreement and understanding between two or more people to violate some law of the United States. In this case, the charge is that the law which these defendants and the others agreed to violate was the law of this country, which makes it a crime to commit espionage on behalf of a foreign power.

When any one of the persons who have entered into this agreement and understanding to violate the laws of the United States does any overt act, that is, any physical act, to help along the conspiracy, to further subjectives, to carry it into practical operation, when any one of the persons having entered into this agreement does any such act, then all those other persons who had entered into this agreement and understanding with him become guilty of the crime of conspiracy. Therefore, in this case, proof of only one such overt act by any of the conspirators would be sufficient to complete the conspiracy. That is obvious, because common sense tells us that when a number of people enter into a widespread agreement and conspiracy, such as we have here, each one cannot do all of the dirty work himself; one can only perform one's particular task. The law wisely holds, however, that the particular acts that any one of the conspirators may have performed or did perform to help [fol. 224] along this conspiracy binds not only the doer of the act, but also his partners in crime, for that is exactly what co-conspirators are, partners, but in crime. That is so because he is not acting for himself alone, but with all of them and for all of them, as well as for himself.

Now, I have talked about a single overt act. In this case you will hear proof, not only of a single act in furtherance of the conspiracy by one of the conspirators, but the evidence here will show many acts by each and every one of the defendants and of the conspirators, all of such acts performed in furtherance of this conspiracy to commit espionage for the benefit of the Soviet Union.

I do not consider it necessary in this opening statement to deal extensively. The evidence, as I have said, best should

come from the lips of witnesses, for you to judge. The plot will be unfolded in that way. It will come from witnesses who participated, who were present, who saw, who heard and who will tell you what they saw and heard. They will tell you those things that they witnessed over a period of years, over the course of the time this crime covered.

The evidence will come from some witnesses, who themselves participated with these defendants in this conspiracy [fol. 225] to commit espionage in behalf of Soviet Russia. It will come from witnesses who were picked by these defendants as their colleagues and associates and partners in crime, and of course, as is the invariable experience in the course of trials like this, where the evidence comes many times from those who themselves have acted in the commission of a crime, these defendants undoubtedly will seek to attack witnesses like that, witnesses who were made partners by these very defendants, who were their colleagues, their associates and their partners, as I have said. But you will hear and you will see that these witnesses are telling the truth and that the difference between them and the defendants is that while all were in this together in the past, the witnesses have not added to their past sins by refusing to tell the people of this country, by refusing to tell you, the truth; and you will see and hear that the witnesses are telling the truth as each link in this chain is forged and put into place, by testimony, by documentary evidence, which will be revealed before you, testimony and documentary evidence which cannot be contradicted by anybody or anything in the world, because it is the truth; the testimony and documentary evidence which will point conclusively to one thing and one thing alone, the guilt of these defend- [fol. 226] ants, as charged by the Grand Jury.

The evidence will show that the loyalty and the allegiance of the Rosenbergs and Sobell were not to our country, but that it was to Communism, Communism in this country and Communism throughout the world.

Mr. E. H. Bloch: If the Court pleases, I object to these remarks as irrelevant to the charge before this Court and jury and I ask the Court to instruct the District Attorney to desist from making any remarks about Communism, because Communism is not on trial here. These defendants are charged with espionage.

Mr. Saypol: I object to this interruption.

Mr. E. H. Bloch: I beg your pardon, Mr. Saypol, but I am forced to do it.

The Court: Will somebody permit me to make a ruling here?

Mr. E. H. Bloch: That is correct, your Honor.

The Court: Mr. Saypol objects to your objection and you answer his objection and I can't make a ruling.

Mr. E. H. Bloch: I am making my objection.

The Court: The charge here is espionage. It is not that the defendants are members of the Communist Party or that they had any interest in Communism. However, if the Government intends to establish that they did have an interest [fol. 227] in Communism, for the purpose of establishing a motive for what they were doing, I will, in due course, when that question arises, rule on that point.

Mr. Saypol: That is the purpose of my remarks.

Mr. A. Bloch: Defendants except to your Honor's statement.

The Court: Very well.

Mr. Saypol: That is my object in referring to it in my opening.

(To the jury:) I am sorry for the interruption.

I have said, the evidence will show that the primary allegiance of these defendants was not to our country, I said that it was Communism, both national and international. I said that because inherent in their primary loyalty to Communism was the basic devotion to Soviet Russia, for it is that dictatorship which is part and parcel of Communism here and abroad.

The evidence will show their loyalty to and worship of the Soviet Union, and by their rank disloyalty to our country these defendants joined with their co-conspirators in a deliberate, carefully planned conspiracy to deliver to the Soviet Union, the information and the weapons which the Soviet Union could use to destroy us.

The evidence will show that Sobell and Julius Rosenberg, [fol. 228] classmates together in college, dedicated themselves to the cause of Communism.

The Court: Excuse me a moment, Mr. Saypol. I think I said to the jury before that the charge was espionage. I

want to correct that. The charge is conspiracy to commit espionage.

Mr. Saypol: Yes.

The Court: All right.

Mr. Saypol (Continuing): It will show that this love of Communism and the Soviet Union soon led them into a Soviet espionage ring. Rosenberg, you will hear, thought out this ring and when he was admitted into its inner sanctum, devoted himself to the service of that foreign country, at the expense of betraying his own country.

You will hear how Julius and Ethel Rosenberg and Sobell reached into wartime projects and installations of the United States Government, including the United States Army, the United States Navy, and industrial installations, doing work on secret Government projects, throughout the country; they reached in to obtain from people in the Armed Services and from people in positions of trust in our Government, secret information, documents and material vital to the national defense of our country, so that they could hand this material directly to agents of the Soviet Union [fol. 229] and speed it on its way to Russia.

We will prove that the Rosenbergs and Sobell, acting separately and in concert, engaged in a ceaseless campaign to recruit promising members for their Soviet espionage ring. They were ever on the lookout for those whose state of mind and sympathies were such that the Rosenbergs and Sobell thought they would be ripe for a proposition to betray this country by stealing its secrets and giving them to the Soviet Union, to advance its cause and the cause of world Communism.

You will see how the now well-known pattern of espionage was followed and how, when the secret information was obtained through these people in the Service, in Government and working on secret industrial projects, it was given to these traitorous Americans, who handed these secrets by prearrangement to agents and officials of Russia, for transmission there.

The evidence will reveal to you how the Rosenbergs persuaded David Greenglass, Mrs. Rosenberg's own brother, to play the treacherous role of a modern Benedict Arnold, while wearing the uniform of the United States Army.

David Greenglass was a Technical Sergent in the Army, stationed at Los Alamos, New Mexico, know even then to the top officials of this country only as "Project Y"; where [fol. 230] there was experimentation and construction of the most important weapon ever known to mankind.

We will prove that the Rosenbergs devised and put into operation, with the aid of Soviet Nationals and Soviet agents in this country, an elaborate scheme which enabled them to steal through David Greenglass this one weapon, that might well hold the key to the survival of this nation and means the peace of the world, the atomic bomb.

The evidence will show how at the behest of the Rosenbergs, Greenglass stole and turned over to them and to their co-conspirator Harry Gold, at secret rendezvous, sketches and descriptions of secrets concerning atomic energy and sketches of the very bomb itself. These traitorous activities, this constant concern for recruiting Americans into this espionage ring, the clandestine delivery of secrets, stolen from our Government, to Soviet agents, through these defendants, continued through these years.

There came a day, however, that a vigilant Federal Bureau of Investigation broke through the darkness of this insidious business and collected the evidence that would bring these culprits before the bar of justice, before an American jury like you. These defendants and their Soviet partners in crime, had at *at* their command various amounts [fol. 231] of money, with which to finance the escape from American justice into safe havens behind the Iron Curtain the members of this espionage ring. When one spy after another was caught and confessed, Klaus Fuchs, Harry Gold, David Greenglass, these defendants and their Soviet superiors quickly put into operation an elaborate prearranged scheme to flee the country of their birth, to seek refuge behind the Iron Curtain. These efforts to flee the borders of our country and avoid facing you followed a carefully planned pattern. Fortunately, in most instances these attempts to escape were nipped in the bud, were thwarted.

You will hear how the defendant Sobell actually succeeded in getting out of the country, in a desperate and fortunately unsuccessful attempt to flee the country.

The Court: Mr. Saypol, you have passed your allotted time. Try and rush it along a little bit, please.

Mr. Saypol: Will you give me three minutes?

The Court: Yes.

Mr. Saypol: I will say no more now, because I want you, as I have said, to have the benefit of the testimony and the evidence firsthand and directly. From this testimony, from the documents which you will see, each element of the [fol. 232] crime, each link in the chain will be put in place by my colleagues and by myself. You will see a conspiracy by these defendants to commit espionage against their country in behalf of the Soviet Union.

The evidence of the treasonable acts of these three defendants, you will find overwhelming.

The evidence will prove to you, not only beyond a reasonable doubt, but beyond any doubt, that all three of these defendants have committed the most serious crime which can be committed against the people of this country.

This evidence will point to only one possible verdict on your part, that of guilty, as charged by the Grand Jury, as to each of these defendants.

The Court: Mr. Bloch.

Motion for Mistrial and Denial Thereof

Mr. A. Bloch: If you- Honor please, I move for a mistrial in this case upon the ground that the opening statement of the learned United States Attorney was inflammatory in character and introduced an element which is not pertinent to the case or relevant to it, to wit, Communism, and made other inflammatory and damaging statements which are not part and should not be part of an opening.

The Court: Your motion is denied.

Mr. A. Bloch: Exception.

The Court: Madam and gentlemen of the jury——

[fol. 233] Mr. Phillips: May I add, if your Honor please, that all these remarks as to what happened subsequent to the alleged conspiracy, namely, fleeing the country, were quite besi-e the point, entirely improper, not relevant.

The Court: I suggest——

Mr. Phillips: Not relevant to the charge, if your Honor pleases, and made solely for the purpose of influencing the minds of the jurors in advance of any testimony.

The Court: I suggest that if you will examine the law

books, Mr. Phillips, you will find that it is quite relevant in a criminal case to introduce evidence of flight on the question of guilt.

Mr. Phillips: After the proof of the act itself has been advanced, but not in advance.

The Court: Well, the United States Attorney hasn't introduced any proof yet. He is telling the jury what he intends to prove.

Mr. Phillips: My point is, he had no business to state what he intends to prove before proving the act itself.

The Court: What is your motion?

MOTION FOR MISTRIAL AND DENIAL THEREOF

Mr. Phillips: My motion is that either the Court instruct the jury now to disregard all of these inflammatory re- [fol. 234] marks, that have no relevancy to the case itself, or to declare a mistrial.

The Court: The motion for a mistrial is denied.

Mr. E. H. Bloch: If the Court please, I merely want to reserve the objection that I made.

The Court: I wish each and every one of you gentlemen would immediately arise. Invariably, as I get ready to make a ruling, somebody else jumps up.

Mr. E. H. Bloch: I thought you were through, your Honor. I am very sorry.

The Court: Now, is there some other objection that you care to make, Mr. Bloch?

Mr. E. H. Bloch: Yes, I would like to say to the Court that I persist in objecting to the objection of the Communist issue in this case subsequent to the time that I interrupted Mr. Saypol.

The Court: Very well.

Mr. E. H. Bloch: Let me assure Mr. Saypol that I didn't want to be discourteous, but I want to reserve my rights on the record.

The Court: All right, motions for mistrial are denied.

The charge in this case, again, I tell you, is conspiracy to commit espionage, in that matters vital to the national defense were transmitted to Russia for the purpose of [fol. 235] giving Russia an advantage, with intention of giving Russia an advantage. That is the charge. You are

—and I will tell you this again in my ultimate charge—to determine the guilt or innocence of a defendant on whether he or she was a Communist. That is not the basis on which you are to determine the guilt or innocence, because the charge is not Communism. However, when the question does arise, if it does arise, during the course of the trial, with respect to the introduction of evidence, if there is such evidence, as to the defendants' interest or activity participation, whatever it is, in Communism, I will then make a ruling and I will instruct you accordingly.

Mr. Phillips: May I respectfully draw the Court's attention to the fact that the Court just told the jury that the charge is that information was transmitted. That is not the charge. Nowhere in the indictment is it stated that information actually was transmitted. The indictment charges that a plan was laid to transmit information.

The Court: Very well, I will accept that correction.

The charge is that they conspired and they combined and they confederated and they agreed with each other [fol. 236] and with intent and reason to believe that it would be used to the advantage of a foreign nation, to wit, the Union of Soviet Socialist Republics, to communicate, deliver and transmit to a foreign government, to wit, the Union of Soviet Socialist Republics and representatives and agents thereof, directly and indirectly, documents, writings, sketches, notes and information relating to the national defense of the United States.

I might state right here that a conspiracy is essentially an agreement between defendants to violate a law of the United States. The law of the United States, which the Government claims the defendants conspired to violate, was the espionage law. Now, in order to be guilty of a conspiracy, I will ultimately charge you that it is not necessary that the defendants actually complete their act or that they have success in their act. It is sufficient, if there is an agreement followed by an overt act, an agreement entered into with a criminal mind to accomplish an unlawful objective followed by an overt act, it is sufficient at this time with respect to the law.

Proceed, Mr. Bloch.

[fol. 237] The Court: Proceed, Mr. Bloch.

Mr. E. H. Bloch: Ladies and gentlemen of the jury, I am going to be very, very brief.

The Court: I can't hear you, Mr. Bloch.

Mr. E. H. Bloch: In one sense we are in the same position as you are. You have heard Mr. Saypol outline to you what the prosecution intends to prove. That is the first time we have heard officially in that way, what the prosecution intends to prove.

You heard either yesterday or today, what these defendants are charged with. The Court read the charge. We have this advantage over you; we got that charge a few weeks ago. That is about all. We have to wait. We have to see. I would like to say this to you: that Julius Rosenberg, whom I represent, was arrested in the middle of July, 1950. At that time and since that time he has and does now assert his innocence. He has pleaded not guilty to this indictment.

I would like to point out to you that we lawyers are going to get up from time to time and talk and make statements. We make objections. That is true of the prosecution's staff. That will be true of the defense staff. Please bear with us and pay very little attention to it because we are [fol. 238] not the clients. This is the clients' case, not the lawyers'. Lawyers tend to dominate the atmosphere of a courtroom. I think the Court will tell you that we are mechanics and mechanics alone. We are here to aid in the administration of justice. And that is true whether or not it is the prosecutor or whether or not it is the defense counsel, because all of us as lawyers have taken an oath to loyally support the constitution, and inherent in that is the oath to support the administration of justice.

What I would like to impress upon you now is to remember at all times, the oath that you took when you were sworn in as jurors, which followed the sequence of questions addressed to you by the Court to test your impartiality that you will render an honest and a true verdict according to the evidence and according to the law as laid down by the Court. We ask you, we plead with you, don't be influenced by any bias or prejudice or hysteria.

This is a very grave crime that these defendants are

charged with. Very grave. And this trial arises in a rather tense international atmosphere. And I think all of us delude ourselves that we believe that we are completely free from all of those pressures and influences that every minute of the day are upon us. All we are asked to do is to take this charge against these defendants, and particu-
[fol. 239] larly I am speaking, of course, for the defendant, Julius Rosenberg, and see whether the Government will succeed in proving this charge and in proving all these things that Mr. Saypol said the prosecution is going to prove. We say now that the Government will not be able to prove these charges beyond a reasonable doubt.

May I repeat, and I hope you forgive me if I repeat, and I hope the Court will forgive me if I repeat at this time: all we ask of you is a fair shake in the American way. All we ask of you is to keep your minds open until all the evidence is in, and until the Court has charged you. All we ask you is to follow the fundamental precept of law that the defendant is presumed to be innocent until you find him guilty, and that can only come about after all the evidence is in. We ask you to keep your minds open. We ask you to judge this defendant, an American citizen, as you would want to be judged yourself if you were sitting as a defendant. In short, we ask you to keep your mind open and be fair. If the evidence satisfies you that these defendants are guilty and you bring in such a verdict, let it be on the evidence, not on any collateral issue, not on any political issue unconnected with the case.

These defendants are charged with a conspiracy to com-
[fol. 240] mit espionage. The Government has to show not that they believed in one ism or another ism, but that they conspired to commit espionage.

Finally, I would like you, of course, to pay particular attention to the witnesses that appear here and judge the issues by what comes out of the witnesses' mouths. And in that connection pay very careful attention to the witness. Test yourself by the same standards which guides your conduct in your everyday affairs; is this the kind of person who is telling the truth? What motive has this person to say thus and so. And I want you to focus your attention particularly on three witnesses who we now hear will

appear for the Government. One is David Greenglass, who is a defendant here and who has pleaded guilty. In other words, he is a self-confessed conspirator. And the testimony of his wife, Mrs. Ruth Greenglass, who is an alleged co-conspirator but not a defendant, and who, and I am talking about the Greenglasses now, are related very directly to the Rosenbergs; Dave Greenglass being Ethel Rosenberg's brother, and a brother-in-law of Julius Rosenberg, and of course, Mrs. Ruth Greenglass being related by virtue of the marriage; in short, she is a sister-in-law of the Rosenbergs. Please pay very careful attention to them.

I also would like you to pay particular attention to the [fol. 241] testimony of Harry Gold. I am not going to elaborate on that. I suspect that we are going to be here a long time. We are going to have many, many weeks of combat to analyze it.

We come to you and say to you, don't be swayed by emotion. The defendants do not come to you at this time or at any other time and expect you to give a verdict on the basis of sympathy or passion or prejudice. We want you to use your mind and your reason. That is all we have a right to expect of you, but that much we have a right to expect, and we tell you that in our opinion by the time you have heard all of the evidence in this case, you will be convinced that these defendants, as they have contended at all times and as they now contend, are innocent of this crime, for which they are now being charged. So please keep your minds open.

Mr. Alexander Bloch: Ladies and gentlemen, I will be very brief. Although my son and I have represented and now represent both Rosenbergs, I have allocated to myself the responsibility of concentrating on the defense of Mrs. Rosenberg, and I have done that to emphasize her right to be adjudged and tried by you on her merits; not because of group, or her connection with other defendants in the case. You are not to condemn her because her brother is [fol. 242] a self-confessed traitor, or her sister-in-law is mentioned in the indictment and who, I understand, has not been arrested and will tell you she was guilty as charged in the indictment.

I represent Mrs. Rosenberg and I will take care of her end of the case in the course of this trial. Mrs. Rosenberg is the wife of Julius Rosenberg. She has been married for the last twelve years and has raised a family of two children, eight and four years respectively. From the very inception of this case she has protested her innocence, and I tell you, on her behalf, that she has not committed any of the acts charged in the indictment. And she will take the stand and repeat and reiterate and tell you personally that she did not conspire to do any of the acts charged in the indictment. She did not transmit or conspire to transmit any information to any government. She was a housewife, basically a housewife and nothing more. She was dragged into this case through the machinations of her own brother and her own sister-in-law, who in order to transfer and lighten their burden of responsibility, accused her of being a co-conspirator.

You will find in the course of the trial, that although Mrs. Ruth Greenglass is charged with being a co-conspirator, she has never been arrested. She has not been tried and has not been tried for the offense which is now charged [fol. 243] against her sister-in-law, Mrs. Rosenberg.

I am going to ask you, as my son did, to reserve your judgment until you have heard every bit of testimony in this case, pro and con, and after you have heard the Judge's charge, and I am quite sure if you do that you will find that Mrs. Rosenberg has committed no crime, and instead of being punished here, she should be sent back to her family to take care of her children.

Mr. Phillips: May it please the Court, ladies and gentlemen of the jury, I am one of the attorneys representing Morton Sobell.

At the outset I must say that I was not a little shocked at the opening speech of the U. S. Attorney in endeavoring in every way possible to make the thing look ever and ever so much blacker than it is. For instance, he spoke of the destruction of our country. He has spoken several times about destroying us, whereas the indictment, the charge in this case, does not even charge that these so-called conspirators did anything with intent to injure our country. Quite the contrary. The words, injure the United States,

are omitted from the indictment. Injure the United States is present in the statute. Understand that. But it is omitted from the indictment, from which we must gather that the so-called information which furnished the nucleus or the [fol. 244] objective of this alleged conspiracy was the kind of information which, if known to the Soviet Union, would not be to the injury of the United States.

Now, do not let me attempt or seem to try to mislead you. It is a criminal offense to endeavor—I hate the word conspire because the word conspire carries with it something behind the scenes of a movie. It is a crime for a number of people to agree to get together and endeavor to transmit information with reference to the national defense to another country. Whether we are at war with the other country, at peace with the other country, whether we are members of a union with the other country, whether we are fighting on the same side of the line, transmitting to the Soviet Union information is no greater a crime than transmitting information to the British Government, because the statute makes no distinction between foreign governments. The statute says, any information with reference to the national defense to any government outside of the United States is that same criminal offense.

So that this endeavor to inflame your heart because it is the Soviet Union is besides the point. To give or endeavor to give or to combine to give information as to our national defense to a country other than the United States is a [fol. 245] criminal offense. I am not trying to minimize the fact that it is a criminal offense, but for heaven sakes, why maximum it? So I would like you to be on the lookout and not be too much mesmerized by the expressions of the U. S. Attorney. The U. S. Attorney is here to win this case, to do the best he can to exhibit such information as evidence as will be important and beneficial to the side he represents. It is an equal duty of the defense attorneys to bring to you such information as will serve their defense. Neither of us is in any sacrosant position. We are no worse than he and no better than he, and let him not try to tell you how he stands up for general rights. He stands up for his position as U. S. Attorney. We are in the position of the defense. We are two sides of the fence, and in your minds and hearts, so you must treat us alike.

Now I tell you about Sobell. In the whole indictment, outside of the general language that he agreed with others to transmit information, not to the injury of the United States, but for the benefit of Soviet Russia—by the way, the word 'advantage' has been defined by the courts as meaning the same as benefit. So don't misunderstand the word 'advantage' to mean advantage to the Soviet Union over the United States. That is not the meaning of the word 'advantage.' It is a general term implying benefit, [fol. 246] favor; useful, if you will. So that in the language of the indictment Sobell is charged in these general words that he agreed with others to transmit certain information; leave out the other sketches, maps and I don't know what else. I am sure they won't be able to prove all of that or any part of it; but information is the main thing; it is just as bad; for the benefit of the Soviet Union. That is the way he is charged. 11 acts allegedly done in furtherance of the conspiracy are also charged. In not one of them, in not one of them is the name of Sobell mentioned at all. So you have a naked statement that at some time he conferred or conspired or agreed to do something, but there is nothing said here about any act of his done in furtherance of that original intention of his. Any endeavor we made to find out, friendly asking, pleading for information, making motions for information and any other way, was thwarted on all sides, and we stand here before you as ignorant of what is really meant to be charged against Sobell as you 16 ladies and gentlemen are to whom I am talking now. We will wait and have to wait, sit here like so many children, listening, waiting. What is the Government going to do here? How is the Government going to connect Sobell by [fol. 247] truthful testimony? Untruthful testimony there may be a great deal of; I don't know anything about that.

So please, as you get into the work of yours, your consciences and listening to the evidence as far as Sobell is concerned, keep your minds focused on the things that I have said.

This talk about Communism, about motives for the transmission is all absurd because this man Gold, upon whom the whole case will be based, will be shown to be an enemy of Communism. He never was and I challenge Mr. Saypol

to deny that, and let him interrupt me to deny it. This man Gold, the cornerstone, the keystone of their whole case, never, never had anything to do with Communists and was no Communist. So where is the motive of Communism? So let that at once fly out of your minds.

Of course, the air is charged all over with antagonism to Communism. And I do not care to say to you how we feel about Communism; it is unimportant, because, for heaven sakes, here are three people, two men and a woman, charged with a grave offense, in some instances punishable by death: Do not let matters economic, theories however false, however fantastic, or political belief however absurd to your own minds, or religious beliefs, if you will, or any [fol. 248] other belief sway you from the main question: What are the facts here? Our job is to find the facts and I am sure, I am sure after all the efforts that have been made to sift the jury panel, after both sides have had so many challenges, after what the Judge has said to you, and reiterated over and over again about your duty, and after the few words he said to you just this afternoon, the fate of these defendants is fairly and properly in the hands of you ladies and gentlemen who can be trusted to do the right thing.

The Court: Ladies and gentlemen of the jury, I have noticed that counsel have from time to time quoted what they believe to be the law. So that there be no misunderstanding whatsoever as this case unfolds before you, I want you to bear in mind that the law makes no distinction between transmitting or intending to transmit any information to a country whether friendly or unfriendly, because as the United States Supreme Court said in a case which is rather important on this subject, unhappily the status of a foreign government may change. So Congress has seen fit in its judgment to make it a crime to either transmit or to conspire to transmit information intending it to be to the advantage of a foreign country.

Now I had intended for us to proceed to take some testimony this afternoon. It has been a long day and we won't [fol. 249] be able to get to that. I want to tell you before you leave that we are going to be together for several weeks.

I want you to be calm during the period of the taking of testimony. Do not become impatient. We have a task before us, you and I, together. While we might be irritable and uncomfortable on occasion, yet I am sure we are all good citizens and we are going to grit our teeth and do our respective jobs. So just be calm and be relaxed and be attentive.

Our sessions will be from 10.30 in the morning until 4.30 in the afternoon. I intend to take a recess each morning at about 11.30 for a short period of five or ten minutes. I intend to recess for lunch at 1.00 o'clock until somewhere between 2.15 and 2.30. We will then take another recess in the afternoon at 3.30 and then recess for the day at 4.30.

Again, ladies and gentlemen, before you leave I admonish you not to discuss the case among yourselves, not to discuss it with anybody else, not to permit anybody to discuss it with you, and not to read or listen to anything about this case. Be prompt please at all sessions, because we can shorten this supposedly lengthy case at least in that respect if you won't keep any of us waiting.

So be in the jury room tomorrow morning at about 10.20 [fol. 249-A] if necessary.

Until tomorrow morning, good night.

(Adjourned to March 8, 1951, at 10.30 a. m.)

[fol. 250] New York, March 8, 1951; 10:30 o'clock a.m.

MOTION TO EXCLUDE WITNESSES

(The following took place before the jury took their seats in the jury box.)

Mr. Saypol: The Government has an application in respect of the usual direction for the exclusion of witnesses. As is customary, I ask that the exception be as to the agents of the Federal Bureau of Investigation, assigned to the case, and additionally, two members of the bar, who represent the defendants Greenglass, Mr. O. John Rogge and Mr. Herbert Fabricant.

Mr. E. H. Bloch: If the Court please, defense would have made that usual motion to exclude all witnesses. I would like to direct the Court's attention to the colloquy we had at

the bench yesterday with respect to the attorneys representing Mr. and Mrs. Greenglass. I told you, at that time, that I had some concern about the matter and I varied in my approach.

The Court: Then you waived it.

Mr. E. H. Bloch: I waived it. Now I would like to press it again, in this respect: I have no objection to the Rogge [fol. 251] office or one of their representatives being here while Dave Greenglass and Ruth Greenglass testify, but I see no reason why any exception should be made with respect to any other witness, unless some question of law will come up concerning the testimony of that witness, that might entitle the witness to some legal representation at that time.

The Court: I don't think that is a good objection. I think that if you have no objection to Rogge or somebody from his office being present for the Greenglasses, there is apparently another witness or another two witnesses whom they represent, and whatever would motivate you in objecting to him being present for the Greenglasses should motivate you to object to him being present for these other witnesses.

Mr. E. H. Bloch: I won't press it. There is just one further request I have to make to the Court. Mr. Saypol asked for an exception to the exclusion with respect to the agents of the Government who have charge of this case. I would like him to mention those names to the Court, so that not every agent of the Government is permitted to hear. They might have some connection with the case, but might not be in direct charge or entrusted with the responsibility.

The Court: Well, he said the agents of the FBI who were [fol. 252] assisting, as I understood it, who were assisting the Government in the presentation of the case, is that correct?

Mr. Saypol: Yes, if the Court please, who participated in the investigation and who are assisting in the presentation, as your Honor has said.

The Court: Very well.

The Clerk: All witnesses have been excluded with the exception of the agents of the FBI who have participated in the case. All witnesses will kindly report to Room 122.

The Court: Now, may I see counsel here a minute, please.

[fol. 253] (The following took place at the bench.)

The Court: On the matter of cross-examination I think that you ought to get together, defense counsel, so that there is no repetition of what has already been covered by one.

Mr. A. Bloch: We discussed it among ourselves several days ago. We want no repetition, no duplication.

Mr. E. H. Bloch: We will try to adhere to that procedure.

The Court: All right.

Mr. E. H. Bloch: While we are here your Honor, as you recollect, we submitted a pauper's oath to get the minutes gratis. Of course, they are still paupers; under the rules, I believe we are entitled to free subpoena service. I was wondering whether the Court will require a formal order on that.

The Court: Does the statute require it?

Mr. E. H. Bloch: I don't believe so.

Mr. Saypol: Yes. The statute expressly says there has to be a showing. The second statute talks about the defendant being entitled to such process as the prosecution is entitled, but I believe there is some reference to impecuniosity.

The Court: All right.

Mr. Saypol: I am afraid that the accounting office would [fol. 254] require it ultimately.

(The jury took their places in the jury box and the following took place in the presence of the jury.)

The Court: We are not late. We have had a little lawyer business here that we didn't think you ought to hear.

Proceed, Mr. Saypol.

Mr. Saypol: The clerk has a witness.

(The clerk called the name of Max Elitcher.)

MAX ELITCHER, called as a witness on behalf of the Government, being first duly sworn, testified as follows:

Mr. Saypol: May I proceed, if the Court please?
The Court: Yes.

Direct examination.

By Mr. Saypol:

Q. Mr. Elitcher, put yourself right back in that chair and relax and speak up so that you address yourself to me and in that way the jury will hear your testimony.
Where do you live?
A. 164-18 72nd Avenue in Flushing, Queens.
Q. You will have to talk a little louder than that.

The Court: May I suggest, Mr. Saypol, if it wouldn't inconvenience you too much, to move your little table back a little further because the acoustics are very bad in this [fol. 255] room.
Mr. Saypol: Yes, they are. Both the light and the acoustics.

Q. Now tell me again, where do you live?
A. 164-18 72nd Avenue, Flushing, New York.
Q. Were you ever employed by any agency of the United States Government?
A. Yes, I was.
Q. What agency did you work for?
A. The Navy Department.
Q. In what branch of the Navy Department?
A. The Bureau of Ordinance.
Q. During what time were you employed by the Bureau of Ordinance in the Navy Department?
A. From November of 1938 to October of 1948.
Q. Where did you hold that job?
A. In Washington, D.C. at the Navy Department.
Q. Do you know the defendant Morton Sobell?
A. Yes, I do.
Q. Would you be good enough to point him out in the courtroom if you see him?
A. Yes. The man sitting at the end of the table.
Q. That is at the end of the defense counsel table?

A. That is right.
Q. With the glasses?
A. Yes.

The Court: The record will indicate that the defendant [fol. 256] has been identified, Mr. Phillips?
Mr. Phillips: Yes.

(The defendant Sobell stood up.)

The Witness: Yes.
Q. When did you first meet Sobell?
A. Well, I probably met him first at Stuyvesant High School.
Q. Did you attend Stuyvesant High School together with him?
A. Yes.
Q. And did you afterwards attend another institution with him?
A. Yes.
Q. What institution was that?
A. The City College of New York.
Q. During what years?
A. From 1934 to 1938.
Q. Do you recall a conversation some time in 1939 with Sobell regarding the Communist Party?

Mr. Phillips: Just a moment. That is even prior to the date when the alleged conspiracy is said to have taken place. The date in the indictment is 1944.
The Court: What date? 1934, did you say?
Mr. Saypol: 1939.
Mr. Phillips: 1939 this question was. Are we going back to the beginning of the world?
The Court: Don't argue. Make your objection. You don't have to argue your point.
Mr. Phillips: I beg your pardon, your Honor.
[fol. 257] Mr. E. H. Bloch: If the Court please, before you rule on the point I would like to add an additional objection because it may come up from time to time.
The Court: Will you step up?

(The following took place at the bench.)

The Court: I would like to hear your point on that.

Mr. Saypol: Why, this is all preliminary. It is the opening of a trial. It is incidental to prove acquaintanceship, association with each other, common sympathies and ultimately intent to commit the main crime.

The Court: Do you bring that down, this association in the Communist Party, do you bring it down?

Mr. Saypol: Oh, yes.

The Court: To at or about the time of this conspiracy?

Mr. Saypol: Right into the conspiracy.

The Court: In other words, you don't have a conversation there and break off?

Mr. Saypol: Oh, no, no.

The Court: It is continuous.

Mr. Saypol: Yes, your Honor. I ask your Honor if for no other reason, to take it subject to connection. Obviously [fol. 258] there must be a starting point.

The Court: On what theory are you offering it? To prove the offense in the indictment?

Mr. Saypol: Oh, indeed not; to prove association, to prove intent, to prove motive for the crime which will be proved.

The Court: Very well. I will overrule the objection.

Mr. E. H. Bloch: I didn't finish my objection. I was going to object upon the additional ground that the question of any witness' affiliation with the Communist Party is incompetent, irrelevant and immaterial to the issues in this case and can only inject an extraneous issue that will confuse the jury and prejudice the defendants in the eyes of the jury.

The Court: Well, I have clarified that yesterday in the opening. I shall clarify it again now by an instruction to the jury as to the purpose for which this is offered.

Mr. A. Bloch: I object to Communism being mentioned at all on the ground that there is no causal connection between Communism and the crime charged in the indictment. If it is done for the purpose of showing motive, they have to show that there is some causal connection.

[fol. 259] The Court: I agree with you. I agree with you absolutely, and I must accept the good faith of the prosecutor that he will show a causal connection between Communism and the commission of the acts charged in the indictment. Your objection is a good one and I agree with that.

Mr. Saypol: It will be shown.

The Court: But I accept Mr. Saypol's statement that he will show that causal connection.

Mr. E. H. Bloch: Your Honor, just to clarify the record so that there will be no misconception in my mind, and I don't want to get up and object a hundred times to the same line of questioning because I think this objection should go right through. It hits the basic point. I was wondering whether your Honor is taking this evidence here subject to connection, this specific evidence.

The Court: I will take it subject to connection, causal connection, the connection that Mr. Bloch, Sr. has spoken of. I will take it subject to that, and of course purely on the question of motive and not as proving the charge.

Mr. A. Bloch: It is our duty to except, your Honor.

Mr. E. H. Bloch: Yes. May an exception be noted for all [fol. 260] the defendants.

Mr. Phillips: May I suggest that before proving motive it would be logical to prove the commission of the offense.

The Court: Well, I agree, but the point is that this motive apparently occurred prior to the commission of the offense. So you are taking the story backwards.

Mr. Phillips: How are we expected to be prepared to meet something that occurred in 1939 in view of the indictment?

The Court: If the offense is not proven of course the Court will have the power to deal with the charge in the indictment.

Mr. Phillips: But this conversation and everything that goes with it, we are entirely unapprised of.

The Court: That is not unusual. In the course of a criminal case, for example, while it is not applicable here, there will be matters that are brought up that are not in the indictment. For example, in establishing a crime that carries with it intent, the prosecutor can show previous similar acts.

Mr. Saypol: That was affirmed only yesterday in an opinion.

The Court: And yet that isn't any place in the indictment. So that is not an unusual thing.

[fol. 261] Mr. Phillips: Have you noticed in this charge it doesn't need to be intent, but reason to believe that it is

to the advantage of another country?

The Court: You have to have intent; you have to have criminal intent.

Mr. Saypol: Do you waive my proving intent on the record?

Mr. Phillips: If you examine this statute, every word of it, the statute reads with intent, or reason to believe.

Mr. Saypol: What does that mean?

Mr. Phillips: It means either you intend it to the advantage of the other side, or being immaterial, if you have reason to believe——

The Court: Well, certainly in your favor I would not submit this case to the jury if I didn't believe there was some criminal intent. All right, let us not argue it any further.

Mr. Phillips: In answer to a bill of particulars, in answer to a demand for a bill——

Mr. A. Bloch: Can't we arrange that the exception taken to your present ruling be equally applicable to any further questions that may be asked along similar lines?

Mr. Saypol: You don't have to take an exception.

The Court: He means objection.

[fol. 262] Mr. Saypol: Oh, yes.

Mr. A. Bloch: The objection runs right through on this question of Communism?

The Court: Very well.

Mr. Phillips: May I also point out in answer to a question by order of Judge Ryan, the only thing we were allowed, namely, when did the defendant Sobell join the conspiracy? The answer was in June, 1944. A plain answer on the part of the Government.

The Court: Well, I thought I had already passed on that objection. I had answered that before.

Mr. Phillips: I just wanted to draw your attention to it to show the difficulty we are placed under when he starts to talk about 1939.

The Court: But he is not talking about the offense in 1939.

Mr. Phillips: If it is not connected with the offense, what is it for?

The Court: I didn't say it was not connected with the offense; he is not attempting to prove the charge in the indictment; he is now on the question of motive.

Mr. Phillips: Well, I can see that we are hopelessly divided on this question of law.

The Court: Well, let me ask you this, Mr. Phillips: Have you tried any criminal cases?

[fol. 263] Mr. Phillips: Strange as it may seem, I tried several. I tried one in this very court after the last war.

The Court: I know your specialty is in the real estate field.

Mr. Phillips: Well, after the last war I tried one.

The Court: You would not be surprised if you had tried many criminal cases at some of these question that come up.

Mr. Phillips: I understand all that and I have looked up the authorities

The Court: Well, let us not prolong the argument. I get your point. Proceed.

(The following took place in open court.)

The Court: The objection is overruled, and I want to state to the jury again, that it appears that during the course of this trial the question of the association or membership in the Party, in the Communist Party, by any of the defendants will arise from time to time. I want you to understand right at the outset that the fact that they were members of the Communist Party does not establish the elements necessary to prove them guilty of the crime charged in this indictment, which is conspiracy to commit espionage. However, I am admitting this testimony on the theory [fol. 264] of motive, but the Government will have to establish that there is some connection between Communism and committing the offense charged in the indictment. I hope I make myself clear.

Mr. Saypol: The evidence will make it clear, if the Court please.

The Court: All right.

Mr. Saypol: Will the reporter be good enough to read back the preceding question to which there was objection?

(Question read.)

A. Yes, I do.

Q. Where did that conversation take place?

A. In Washington, D. C.

Q. Will you tell us what Mr. Sobell said, what you said and what both of you did?

A. Well, in 1939——

Mr. A. Bloch: Just one moment. I object to the question as being two questions in one, what he said and what he did.

The Court: All right, tell us what you said.

A. Well, we were living together in an apartment at 4925 7th Street, NW, and soon after moving in he asked me about joining the Young Communist League. At the time I said no, and for some period he continued to ask me about it and I finally did make such a move.

[fol. 265] Mr. Kuntz: If your Honor please, that is not responsive. Here he speaks about the Young Communist League and the question was in regard to the Communist Party. I think in another case one of your colleagues ruled recently that the two are certainly not identical, and I think excluded just such evidence.

The Court: Well, I will exclude it unless Mr. Saypol will tell me if he will establish that there is some connection between the two.

Mr. Saypol: He hasn't yet been permitted to finish his answer. He is telling in narrative form what transpired between him and Sobell and will come ultimately to the point where he got into the Communist Party through Sobell. If there hadn't been interruption, it would have been developed.

Mr. Kuntz: If your Honor please, on behalf of the defendant Sobell——

The Court: You want me to strike anything about the Young Communist League.

Mr. Kuntz: I respectfully——

The Court: All right, strike out anything about the Young Communist League. Get to the Communist Party.

By Mr. Saypol:

Q. Will you tell us how the circumstances under which [fol. 266] you joined the Communist Party after the conversation with Sobell?

A. Yes.

Mr. A. Bloch: One minute. I object to the question as being too general.

The Court: Repeat the question.

Mr. A. Bloch: He has offered a possible answer, wandering in all directions, and it is not pertinent to the issues in this proceeding.

The Court: Overruled.

Mr. A. Bloch: Exception.

The Court: We know the direction in which these questions intend to take the witness. We have discussed it at the bench and I assume it is in that direction that you are going, Mr. Saypol; is that correct?

Mr. Saypol: Yes.

The Court: Proceed.

A. (Continuing:) However, when I attended this meeting, it turned out that the group was being organized as a group or cell of the Communist Party and it was this which I joined.

Mr. Phillips: I move to strike that out as a conclusion of the witness. It is not a statement of fact at all.

The Court: All right, tell us exactly what led you to believe that it was a branch of the Communist Party.

[fol. 267] Mr. Phillips: Did your Honor rule on my motion to strike out the testimony?

The Court: Yes, I am sustaining your motion, I mean, I have asked him to give us the facts which led him to that conclusion.

The Witness: Shall I continue?

The Court: Yes.

A. Well, at the meeting I was told that this was to be a branch of the Communist Party and I was asked if I would take—I mean, if I would agree to such membership. I don't recall the exact oath or whatever procedure was used, and——

Mr. E. H. Bloch: I move—sorry.

The Court: Wait a minute. Let the man finish his answer.

A. —and from that time on, in attending meetings, I knew that I was a member of the Communist Party.

The Court: And is this the meeting to which Sobell had taken you?

The Witness: Yes.

Mr. Phillips: I move to strike out——

Q. Sobell wasn't——

Mr. Phillips: Just a moment, please. I move to strike out all of his testimony which relates what somebody told him at the meeting, and other conclusions.

[fol. 268] The Court: Was that in the presence of Sobell?

The Witness: Yes.

The Court: Denied.

Mr. Phillips: Exception.

Q. Did you thereafter attend meetings of this cell with Sobell?

A. Yes, I did.

Mr. E. H. Bloch: I wonder whether Mr. Saypol would fix the time, please?

The Court: Will you fix the time?

The Witness: I can only fix it as some time, let's say, two or three, four months after May of 1944—I am sorry, 1939.

Q. I will come back to that in a little while. Just one question: Did this cell, did you learn from conversations in the presence of Sobell at this first meeting or subsequent meetings, whether or not this cell had any associations with any branch, any division or any bureau of the Navy Department?

A. No, I didn't.

Mr. Bloch: Objected to as leading, your Honor.

The Court: Well, his answer was no.

Mr. Saypol: The answer was negative.

Q. Do you know the defendant Julius Rosenberg?

A. Yes, I do.

Q. Do you see him here in court?

A. Yes, I do.

[fol. 269] Q. Would you identify him?

A. The man with the mustache and glasses in the middle of the table.

The Court: The record shows Mr. Rosenberg identified.

Q. Did anybody ever ask you to obtain classified documents and information from the Navy Department for the benefit of the Soviet Union?

Mr. Phillips: I object.
Mr. A. Bloch: I object to the question on the ground it is improper in form.
The Court: What is improper about the form?
Mr. A. Bloch: It is leading.
Mr. E. H. Bloch: If your Honor please——
The Court: Overruled on that ground.
Mr. Phillips: It calls wholly for a conclusion.
The Court: Overruled.
Mr. Phillips: Of the witness' mind.
Mr. E. H. Bloch: May I just add this——
Mr. Phillips: Your Honor——
The Court: Don't argue. You have stated your point, that is all.
Mr. Phillips: May I ask that the question be repeated?
The Court: Repeat the question.

(Question read.)

[fol. 270] Mr. Phillips: It is clearly objected to for other reasons. It is objectionable that somebody asked him to do something in the interest of the Soviet Union. That involves three different states of facts in one question.
The Court: I will sustain that.

By Mr. Saypol:

Q. Where were you living in 1944, in the summer?
A. At 247 Delaware Avenue, SW, in Washington.
Q. About that time did you see the defendant Rosenberg?
—. Yes, I did.
Q. Tell us the circumstances under which you saw him.
A. Well, one evening, it was early, before supper, I received a phone call from a person who said he was Julius Rosenberg.

The Court: When was this?
The Witness: In June, 1944.

A. (Continuing) He said that he was a former classmate. I remembered the name, I recalled who it was, and he said he would like to see me. He came over after supper, and my wife was there and we had a casual conversation. After that he asked if my wife would leave the room, that he wanted to speak to me in private. She did and he then said to me—he talked to me first about the job that the Soviet Union was doing in the war effort and how at present a good deal of [fol. 271] military information was being denied them by some interests in the United States, and because of that, their effort was being impeded. He said that there were many people who were implementing aid to the Soviet Union by providing classified information about military equipments, and so forth, and asked whether in my capacity at the Bureau of Ordinance would I have access to and would I be able to get such information and would I turn it over to him.

Q. Now, let me ask you this question: In the course of that conversation, was there any talk about the place where you worked or the kind of work that you did?

A. Well, in the earlier conversation he asked me, and he spoke to my wife—we all asked each other what we were doing, and it was established that I was working in the Bureau of Ordinance and what I was doing there.

Q. Did you tell him what you were doing?

A. At the time I was working on computers—well, I was in the fire control section in the Bureau of Ordinance, and I was working on computers for anti-aircraft control and other computers involving fire control.

Q. Would you just digress for a moment and tell us what you mean or what was meant by the term "classified" information?

[fol. 272] Mr. E. H. Bloch: I object to that upon the ground that this witness has not been qualified as an expert.

Mr. Saypol: I don't think it requires any expertness to describe the term.

By the Court:

Q. You said you had been with the Navy for 10 years; is that right, approximately 10 years?

A. That's right.

Q. And during that period of time you dealt with information that was characterized as "classified" and "non-classified"?

A. That's right.

Q. As far as Navy personnel was concerned, was that defined for them?

A. Yes.

Q. Would you please define it for us?

A. Well, the first classification is "restricted", which is information which is—which is not permitted to be released to the public, I believe, only on some specific means, such as press releases. There was "confidential", to which no one but authorized people have any access or any authorized access. Then there is "secret," which is a stage beyond "confidential." The equipment which I worked on varied from "restricted" to "confidential," that is, at that time.

Mr. E. H. Bloch: Now, if the Court please, I press my [fol. 273] objection, because from the explanation given by this witness, he hasn't used the word "classified" once. He has merely enumerated three groups of information and I assume that when your Honor propounded the questions to the witness it was to test his qualifications as an expert, but I have heard nothing and I don't think anybody has heard anything——

The Court: All right, you don't have to go along.

Mr. E. H. Bloch: I am sorry. As long as I made my point.

The Court: Please state your objection in short form. You all have a habit of going on longer. Please give me come credit for some intelligence, too.

By the Court:

Q. Did I understand you to mention "classified" also?

A. I don't recall that I did, but the terms, the word "Classified" was used in the Navy Department, but generally we spoke of something being "confidential" or "restricted," but the terms were used synonymously.

By Mr. Saypol:

Q. Well, in fact, these categories that you have described, were generally embraced in the broad term "Classified"; that is what "classified" meant?

A. That's right.

[fol. 274] Mr. Phillips: I object to the District Attorney telling him what he means.

Mr. E. H. Bloch: I object.

Mr. Saypol: Well, your Honor, it is a matter of public information.

The Court: It is a simple thing. Let us not get too excited.

Q. Now, just to clear the picture a little more, did you tell Rosenberg at the time that the type of work you were on included computers and something about fire control? When you talk about fire control, you mean the control of conflagrations, flames, or something else?

A. No, I don't.

Q. What does that mean?

A. Well, it has to do with the equipment that deals with the eventual aiming and firing of missiles against the targets.

Q. You mean from different types of guns?

A. That is correct.

Q. From cannons?

A. That's right.

Q. Well now, having told that to Rosenberg, will you then continue with what he said to you, as you testified a little while ago? I think you told us that he had said something about there not being adequate supply to Russia of [fol. 275] information of this type, that it could use; will you continue then with what he said?

A. Well, he asked about any plans or blueprints or anything that might be of value, and that all these things are needed, and that the choice would not be mine, if I had some such information, they should be turned over and someone would evaluate them. He said that this information, if I would agree to do so, should be taken to New York, to him, and he would have it processed photographically and the material would be returned. He said that

this would be done in a very safe manner, that is would be brought one night; it would be processed immediately and could be returned almost within a short time, so it could be returned before it was missed. He also indicated the security of these means, that is, that the material was to be carried in containers which would offer protection, that is, the film would be exposed if tampered with by unauthorized people, and he generally tried to assure me that the operation would be safe, as far as I was concerned.

Q. We will come back to that again in a little while. I want to go on to another subject momentarily with you. Will you project yourself, if you will now, into the year 1947. At that time do you know whether the defendant Sobell was employed?

[fol. 276] A. He was employed some time in '47 at the Reeves Instrument Corporation.

Q. Where was that located?

A. At 215 East 91st Street, in New York.

Q. At that time you were still working in the Navy Department?

A. That is correct.

Q. In the course of your employment in these years that you mentioned, was it incidental to your employment and part of it for you to go to different plants located throughout the country to examine and confer in connection with the work, the type of work you have told us about, that you were working on?

A. Yes.

Q. For instance, were there times when you went to the General Electric plant at Schenectady?

A. Yes.

Q. Was it in connection with that official purpose of your work that you went at one time to the Reeves Instrument plant, in New York City, where Sobell was employed?

A. Yes, that is correct.

Q. Now, at this time in 1947, when you visited this Reeves plant where Sobell was employed, did you have a conversation with him or did he have a conversation with you regarding Soviet espionage?

A. Yes.

Q. Will you tell us what the conversation was?

A. Well, he inquired as to whether I knew of any engineering graduates or students——

Mr. Phillips: I can't hear the witness' answer.

[fol. 277] The Witness: I am sorry.

The Court: Speak up; speak up louder.

A. (Continuing) He inquired as to whether I knew of any engineering students or engineering graduates who were progressive, who would be safe to approach on this question of espionage, of getting material.

Q. Well, in speaking with you about that, concerning the possible recruits, was anything said concerning their association or their ideology or their contacts?

Mr. Phillips: Just a moment. There are too many questions in one; sociology, ideology, contact; which does he mean?

The Court: Overruled. He means either or any of them.

Mr. Phillips: Exception.

A. Well, I don't recall the exact definition that was made of these people, but the indication was that they would be progressive people, whom I knew to be safe, who could be asked about such getting of material.

Mr. E. H. Bloch: I move to strike out the latter part of the answer after "indication" as not being proper words.

The Court: Will you read it back, please, read the question and answer.

Mr. Saypol: Let me——

[fol. 278] The Court: Do you want to strike out the answer?

Mr. Saypol: Yes, let me withdraw the question.

Q. What was the substance of the conversation, if you can't recall the exact words?

A. Well, the substance was if I knew of students who were progressive, or, in other words, safe, safe for someone to ask about getting such information.

Q. When you say "safe" in getting such information, you mean for similar——

Mr. Phillips: Just a minute. I object to the attorney for the people telling him "do you mean" anything. What he

says is what he says. That stands, not the lawyer's mentioning what he is interested in.

The Court: You mean, Mr. Saypol can't ask him another question on the same subject?

Mr. Phillips: Not another question which involves saying, "You said so and so; by that do you mean so and so"? That is what I meant.

The Court: Overruled. Ask him what he means by that.

Mr. E. H. Bloch: If the Court please, may I just add the additional objection that the vice is the leading suggestive character of the question, and I rise now, not only in connection with this question, but——

[fol. 279] The Court: I understand you. Ask him what he meant by it.

By Mr. Saypol:

Q. Did Mr. Sobell tell you what he meant when he said that he wanted to get these recruits, for what purpose he wanted to get them, for what purpose they should be gotten, what they were to do?

A. You mean, what was the intent of getting these people?

Q. What did he say to you about the intention of getting these people? What were they intended for?

A. They would be approached concerning this question of espionage, of getting of classified material, if they could get into position where such material would be available to them.

Q. Well now, having asked you those broad questions, Mr. Elitcher, I shall go into some detail with you. You say that you were born in the City of New York, or did you say?

A. Yes.

Q. When?

A. September 1, 1918.

Q. Are you married?

A. Yes.

Q. When were you married?

A. In May of 1943.

Q. Do you and your wife have any children?

A. Yes.

Q. How many?

A. Two.

Q. What are their ages?

A. One is five, a girl; and the other is 14 months, a boy.

[fol. 280] Q. Your wife's name is Helene?

A. That is correct.

Q. You had your public school education here in the City of New York, did you not?

A. Yes.

Q. Then you attended Stuyvesant High School together with Sobell?

A. Yes.

Q. You graduated from the College of the City of New York in 1938; is that correct?

A. That is correct.

Q. Were you awarded a degree upon graduation?

A. Yes.

Q. What degree did you take?

A. Bachelor of Science in electrical engineering.

Q. It was after your graduation with that degree in 1938 that you found employment with the Bureau of Ordinance, in the Navy Department?

A. That's right.

The Court: What was that degree?

The Witness: B.S. in electrical engineering.

Q. Just to carry on your employment after 1948, did you have other employment?

A. After 1948, yes; I went to work at the Reeves Instrument Corporation in November—October of 1948.

Q. How long did you continue there?

A. Until May 2, 1951, last week.

Q. Did you say "May"?

A. I am sorry, March.

Q. Are you presently employed?

A. No.

[fol. 281] Q. What kind of work was done at the Reeves Instrument Company?

A. Well, the company does work, military work, for the Services. Well, they do computing work. There is fire control system work done, some radar work, that is about it,—a broad field.

Q. That is work connected with the national defense?
A. That is correct.
Q. That is the same kind of work——

Mr. Phillips: Is it possible to instruct the witness to talk a little louder?
The Court: Yes. Will you please speak a little louder? The acoustics here are very bad.
Mr. Phillips: He begins all right and then drops his voice.

Q. Now, you told us that Rosenberg came to your house in the summer of 1944, June, I think you said?
A. Yes.
Q. 244 Delaware Avenue, in Washington?
A. That is correct.
Q. Is that the first time you met him?
A. After school, yes.
Q. When you say "after school," did you know him at school?
A. Yes, he was in the same class at school.
Q. Did he attend any of the classes which you were at, [fol. 282] at City College?
A. Well——

The Court: Now, when you talk of "school," what school are you talking of?
The Witness: City college of New York.

A. I don't recall him as being a member of any particular class.
Q. Sobell, I think you said, however, you met at Stuyvesant High School?
A. Yes.
Q. Did he afterwards attend City College with you, too?
A. Yes.
Q. Did you go through City College together?
A. Yes.
Q. I take it then that Rosenberg, Sobell and you studied engineering at City College together?
A. Yes.
Q. While you were at City College, did the three of you have any conversations together, at any time?
A. Yes.

Q. What were some of the subjects that you talked about, aside from the technical phases of the studies which you were pursuing?

Mr. Phillips: That is subject to the same objection.

Mr. Saypol: This is again with the same object as was indicated to the Court at the bench.

Mr. Phillips: I wanted to be saved the necessity of ob-
[fol. 283] jecting.

The Court: Very well. Will you try and fix the period of time for us?

Q. That would be 1937-'38?

A. That's right.

Q. Around that time?

Mr. E. H. Bloch: I thought that we had made it clear, your Honor, that our objection to this line of testimony was with respect to political.

The Court: If it pertains to the same subject matter, you have the objection. In other words, if it goes to the question of motive as distinguished from the actual proof of the indictment itself, on this same question of communism, you have your objection.

Q. Tell us what were those conversations of mutual interest to the three of you?

A. Well, I had been asked by some students at the School of Technology——

Mr. A. Bloch: A little louder, please? I can't hear you.

The Court: You must remember to talk up. Talk to that marshall in the back of the room.

A. I was asked by some students at the School of Technology—this was near—in the senior year, near graduation—as to whether I would be willing to join some, a group of young Communist League, a group of the Young Communist League, and I recall that Sobell and Rosenberg
[fol. 284] being two who did inquire about joining such a group.

Q. You mean, they inquired of you whether you were willing to join such a group?

A. That is correct.

The Court: Well now, on this business of the Young Communist League, I have nothing to indicate before me that there is any causal connection between that and the charge in the indictments.

Mr. Saypol: It leads into that.

The Court: Is there a causal connection between the Young Communist League and the Communist Party?

Mr. Saypol: Well, your Honor, if I may recall, his conversation with Sobell in 1939, as a result of which he joined the Communist Party; immediately preceding that was the conversation about the Young Communist League, so it leads right into it.

Mr. E. H. Bloch: I think, your Honor, that this question and answer also have the additional objection that the witness has not connected any of these defendants with what was said to him, and what he did in reliance upon what was said to him. He said, "Some students at the college asked me about it."

The Court: Yes, I am going to sustain the objection.

Mr. Saypol: But he has also said that this was in the [fol. 285] presence of the defendant, if the Court please.

The Court: No, I will tell you, on this question of the Young Communist League, unless there is some discussions there that bring it within the four corners of my ruling, I am going to exclude it.

Mr. Saypol: Well, if your Honor pleases, I submit this, whether it is the Young Communist League, or whether it is the Horatio Alger Progressive Club at City College, or whether it is the members of a civic club at City College——

The Court: Regardless; correct, regardless of——

Mr. Saypol: What I am showing is that these people were not strangers to each other, that they had something in common there, as far as this goes, that it ultimately led into the gravamen of the crime.

The Court: I understand that, but their point of objection is, if you mention the Horatio Alger Club, I am sure they would have no objection. Their objection is to the mere mention of that word in connection with the Young League, that it is of an inflammatory nature, and unless there is some direct connection, or they preach certain principles that would indicate that it was consistent with

what they did subsequently, as charged, I am going to exclude it.

[fol. 286] Mr. Saypol: If your Honor pleases, no stigma attaches that way. These were the circumstances of the association. If they had a league there for the reform of counterfeiters and they got together and they talked about those things——

The Court: Did they talk about those things?

Mr. Saypol: Well, he was testifying that they did, the evidence was a common objective.

The Court: I will reframe your question for you.

By the Court:

Q. You were at City College between what years?

A. '34 and '38.

Q. During 1934 and 1938 did you meet with the defendants Rosenberg and Sobell on occasions?

A. Yes.

Q. Would you say you met with them on many occasions?

A. Yes.

Q. How often would you say you met with them?

A. Well, with Sobell, I probably met once a day and—possibly—with Rosenberg, less than that. I don't recall very much of him.

Q. I take it that you belonged to certain organizations with him; is that correct?

A. Yes.

The Court: Now, without mentioning the organization that he belonged to, will you proceed with your question.

[fol. 287] By Mr. Saypol:

Q. Aside from the association with Rosenberg and Sobell in classes, did you see him at any other places, in connection with the attendance at school?

A. No, I did not.

Q. Did you see him at any extracurricular places, at any——

Mr. E. H. Bloch: I object to it upon the ground that the witness has already answered.

Q. Did you attend any meetings with him?
A. Well——

The Court: Well, maybe he is jogging his memory.

Q. Did you attend any meetings with him?
A. I don't recall attending any meetings with him.

The Court: Now, Mr. Saypol, I want to get this clear now. If you are prepared to establish that the Young Communist League preaches the same principles as the Communist Party, I will permit you to ask these questions.

Mr. Saypol: I think I am, but in order to protect the record, perhaps we might do it at the bench.

The Court: All right, step up.

(The following proceedings took place at the bench, outside the hearing of the jury.)

[fol. 288] Mr. Saypol: Your Honor, we are prepared. That is our objective. I am going to prove the crime; I am trying to prove common association, common purpose.

The Court: Fine, you go right ahead and prove this association, but when you are proving it in an organization which they contend a mere mention is inflammatory, that is their point. You have a right to prove association.

Mr. Cohn: Your Honor, I don't know whether it is inflammatory or not. I don't know if it has anything to do with it. I think it is admissible and proper.

The Court: No, Mr. Cohn, that isn't true. The inflammatory nature of it might have some weight on whatever point you have to make.

Mr. Cohn: I can't agree with you. I think it is relevant. Your Honor, on this point you have testimony of the witness, a picture that they were in college together in 1944; Rosenberg identified himself as a former classmate and as a friend, and approached him and asked him to engage in these activities. After that he had a conversation with Sobell in '47, in which he was asked to recruit progressive and safe people. I don't think there is any doubt that Rosenberg approached him, and specifically in Sobell's words, the approach to the other people was made on the [fol. 289] basis of their having progressive views and on the basis of their being safe, and undoubtedly the approach

is made to him on the same basis and the same reason, and I think it is perfectly proper to show they were associated together in activities of that bent and that the two defendants knew he was inclined along those lines.

The Court: I agree with you.

Mr. Cohn: Therefore he was approached as a safe person and he was asked to approach other persons, people of safe and progressive views, as being safe.

Furthermore, on the question of motives, I don't think there is any doubt——

The Court: There is no difference of opinion on that at all, and I have been asking repeatedly for Mr. Saypol to tell me that the Young Communist League preaches or expounds some principles that would be consistent with the ultimate charge.

Mr. Saypol: The answer is yes.

The Court: I haven't had an unequivocal answer yet.

Mr. Saypol: The answer is yes.

The Court: Well, if I have an unequivocal answer, I will permit the question.

Mr. Saypol: The answer is yes, and there is proof of that if it has to be submitted.

[fol. 290] Mr. A. Bloch: You are taking it subject to connection?

The Court: That's right.

Mr. E. H. Bloch: If the Court pleases, as I understand the way your Honor is thinking, and especially Mr. Saypol's response, Mr. Saypol is now representing to the Court that he will show the Court that the Young Communist League, as an organization at that time, espoused views consonant with illegality, or which would make it an organization that would bear on the issues in this case, in other words, that there would be that causal and direct and intimate connection.

Mr. Cohn: It can only be shown that it is an organization——

Mr. E. H. Bloch: Oh, well——

The Court: Let him finish.

Mr. Cohn: You said that awfully fast. I am basing it exactly on the testimony that has been adduced by the witness here. He was asked by one of the defendants to

approach people who had progressive views and who were safe.

The Court: In 1947.

Mr. Cohn: Undoubtedly, yes, your Honor.

The Court: All right. Now, let's go back. You are talking about belonging to a league in 1937.

[fol. 291] Mr. Kuntz: '34.

The Court: It was easier to say 1937.

Mr. Cohn: I don't know that it is '34 or '37. I think there was continuation of that association in the Communist Party in Washington, when Sobell was down there.

The Court: Now, you are beginning to equivocate again. I want an unequivocal answer. Is there some connection between the Young Communist League—are you going to establish it—and the ultimate principles that were established in it?

Mr. Cohn: I don't think we can establish that the Young Communist League at meetings told members to go out and steal classified information. I certainly think we can establish that the Young Communist League and the Communist Party both were progressive organizations which believed in Soviet Russia as a model and a guide.

The Court: Are you going to establish that?

Mr. Cohn: I don't think there is any doubt about it.

The Court: Are you going to establish that there is any difference between the Young Communist League and the Communist Party?

Mr. Cohn: There is a difference in regard to age.

The Court: Is that all?

[fol. 292] Mr. Saypol: That is all.

Mr. Cohn: Yes, we can offer documentary proof.

The Court: Is that all, again, I ask you?

Mr. Cohn: I don't think there is any difference.

Mr. Saypol: Yes, official documents of the Communist Party describe the Young Communist League as a student party adjunct.

Mr. Kuntz: That was excluded in the Remington case.

The Court: The reason for that was because there Mr. Remington was charged with having committed perjury, in that he lied about being a member of the Communist Party.

Mr. E. H. Bloch: Wouldn't it have been logical for the——

Mr. Cohn: It would have been.

Mr. E. H. Bloch: Just following Mr. Cohn's argument——

Mr. Cohn: Your Honor——

The Court: He is making an argument and I would like Mr. Bloch's reply.

Mr. E. H. Bloch: If the Young Communist League is considered to be one of these safe and progressive organizations, I say, in the Remington case, just in accordance with [fol. 293] fixing the minds and the intent of the defendant, the Government should have been able to prove, according to Mr. Cohn, his association with the Young Communist League, but the Court rejected that proposition.

Mr. Saypol: And very properly so, and the reason for that—I shouldn't say "properly," but appropriately—the Court didn't reject it there because our objective was to prove membership in the Communist Party, not the Young Communist League.

Mr. Cohn: I didn't agree with the Court's ruling at the time. I don't think it is in accord with any rulings of any Appellate Courts on the subject.

The Court: There are very few rulings by the Appellate Court. The point I want to get to is, I have no problem at all, if you will tell me—and you run the risk in doing so—that there is no difference between the Young Communist League and the Communist Party, as far as principles that are espoused, in that both have as one of their principles, aiding the Soviet Government, as you have indicated before.

Mr. Cohn: I would say, your Honor, as far as the Young Communist League and the Communist Party are concerned, the Soviet Union experiment is pointed to by all the members and pointed to the direction of all the members as [fol. 294] being the ideal something, worthy of the greatest admiration and support.

Mr. Saypol: That is the God that they direct themselves to, both of them.

Mr. E. H. Bloch: Look, your Honor——

Mr. Saypol: Let me say that we are getting ourselves into unnecessary and immaterial collateral matters, in so far as the furor and fuss is being made. I am going to prove that these people committed espionage; I am showing that

these associations, as I have said, are for the purpose of showing their intent, showing their purpose, and if there is so much fuss about it I will just pass right over it.

The Court: Well, this is off the record.

(Discussion off the record.)

[fol. 295] Q. After your graduation some time in 1938, did you move to Washington?

A. Yes, I did.

Q. And when did you first arrive in Washington, D. C.

A. It was, I believe, the 1st of November, 1938.

Q. Some time toward the end of the year?

A. That is correct.

Q. Where did you first live when you got to Washington?

A. At, I think it was, 1466 Columbia Road, Northwest.

Q. Did there come a time when you moved to Delafield Place?

A. Yes.

Q. When was that?

A. In December of 1938. 1316 Delafield Place.

Q. Did you see Sobell around that time?

A. Yes.

Q. Where did you see him?

A. Well, sometime in December he came down to Washington looking for a position. He had not been referred to a particular job but he was looking for one. He had come to Washington to see if he could get closer to where jobs were available. He stayed at a house next door; that is, he slept at the house next door to 1316 Delafield Place, but not part of our own household at 1316.

Mr. Phillips: The witness is talking too low again.

The Court: Yes. Talk to the marshal back there. He wants to hear your story.

[fol. 296] Q. Some time, a month or two thereafter, did you move from Delafield Place?

A. Yes. The house broke up in, I think, January of 1939 and I moved to a room at 4925—9th Street.

Q. After that, a month or two or three months beyond that did you move again?

A. Yes.

Q. Where did you move to?

A. 4925—7th Street on the top floor of a private home, an apartment.

Q. When was that, do you remember?

A. It was either April or May. I believe May 1st probably of 1939.

Q. Did you have any conversation with Sobell regarding that move?

A. Yes.

Q. What was the conversation?

A. Well, he was interested in starting an apartment with someone, with me, and through his inquiring about this, I finally decided to make such a move and take an apartment.

Q. Well, in these intervening two month-, I take it, Sobell had remained at 1312?

A. I believe so, yes.

Q. Then in April of 1939 did he move again?

A. Yes. He moved into the apartment with me.

Q. In other words, the two of you were together. How Long did you stay there?

A. We stayed there about a year until May of 1940.

Q. What happened then?

A. We then took another apartment, a regular apart-[fol. 297] ment in an apartment house at 2225 N. Street, N. W.

Q. How long did you remain there?

A. Well, I remained at the apartment until about October of 1941. Sobell left in September to go to the University of Michigan.

Q. Now that was in September, 1941, that he left to go to the University of Michigan, is that it?

A. That is correct.

Q. Now, in the interval between December, 1938 and December, 1941, do you know where Sobell was employed?

A. At the Bureau of Ordinance.

Q. That is the same place with you?

A. That is correct.

Q. Now, you have told us about the conversation with Sobell regarding membership in the Communist Party, is that right?

A. Yes.

Q. Do I recall correctly, do I understand correctly that preceding your actual attendance at the first meeting with him the conversation between you was about the Young Communist League?

A. Yes.

Q. Now, will you tell us again about the conversation with him leading up to this joining of the party by you?

A. Well, he talked to me about the need for joining such an organization in Washington, what its purpose was, what it was to achieve. I don't recall the complete conversation. [fol. 298] There were more than one. They all were leading up to my joining this group.

Q. When was it that you finally joined the party?

A. I don't know the exact month or date.

Q. About what year?

A. Oh, it would be in 1939. Before the end of 1939.

Q. Can you tell us how many constituted membership in the group you joined at Sobell's suggestion?

A. Well, the group that I came down to when I joined, I think there were about maybe fifteen people there.

Q. Yes.

A. And we were divided up into groups, into smaller groups, and I met—after I met only with four, three or four people at a time.

Mr. A. Bloch: Won't you please keep your voice up? You sink down lower as you go along.

Mr. Saypol: Mr. Bloch, if you will suggest to me, I will address the witness and ask him to do it or so conduct myself that he will.

Mr. A. Bloch: It is done so spontaneously.

Mr. Saypol: Will the Court suggest to Mr. Bloch if he will make the suggestion to me, I will guide the witness accordingly and in that way avoid any interruption.

The Court: Proceed.

Q. Was there anything common about the members of this group of four or five you told us about in respect to [fol. 299] their employment?

A. Yes. I would say all of them were members of the Government.

Q. Any particular branch of the Government?

A. No.

The Court: Will you try to bear in mind—perhaps this will help: Suppose you were addressing a group; will you speak in that tone of voice?

Q. Now, in this group, should I call it a cell? Was it described as a cell at that time?

A. I don't believe we used that word. A group or branch.

Q. Did Sobell remain in that group with you?

A. Yes.

Q. Or branch?

A. Yes.

Q. Will you tell us something about the meetings of that group? Where were they held?

A. The meetings were held in the homes of the various members in sort of rotation.

Q. How about the payment of dues? Was there any payment of dues for the membership?

A. Dues were paid at the meetings, yes.

Q. To whom were they paid?

A. They were paid to someone who was the chairman or called the chairman of the group.

Q. Was there any time when Sobell acted as chairman of the group?

A. Yes. At the beginning, at these first meetings he was the chairman. I don't recall how long a period that en- [fol. 300] compassed.

Q. Incident to dues——

Mr. Kuntz: Excuse me, Mr. Saypol, I take it all this is taken subject to our objection?

The Court: Yes.

Q. Do you recall incident to his presiding or acting as chairman whether any dues were paid to him by you, or did you see others pay dues to him?

A. Well, dues were paid to the chairman only. The chairman transferred the dues to other people. I don't recall the payment of the dues to him specifically.

Q. What transpired at these meetings in Sobell's presence.

Mr. A. Bloch: Objection.

Q. (Continuing:) Regarding the party or your work? Will you tell us?

A. Well, regarding the party, there was discussion of new events, specifically from readings of the Daily Worker. There were discussions of Marxist theory, Leninist theory, and also discussions of articles from the Communist. Literature like the——

The Court: Speak up.

The Witness: Literature like the Communist. That made up the bulk of the discussions at the meetings.

Q. Did you receive any official instructions at these meetings?

A. Well, there were instructions——

[fol. 301] Mr. Phillips: Just a moment. I object to the expression official instructions. Official from whom?

The Court: Did you receive any instructions?

The Witness: Yes. Some.

Mr. Phillips: Just yes or no.

The Witness: Yes.

Q. Did you receive any of those instructions from Sobell as chairman of the meeting?

A. Yes. They would come from the chairman, yes.

Q. Were there any discussions concerning Communist infiltration, including reference to front organizations?

A. Well, there was a suggestion, recommendation to join certain organizations in Washington, organizations that were operating in Washington. One of them was the American Peace Mobilization. When the American Youth Congress had its congress in Washington there was a suggestion to assist them, to help in the activity.

Q. At this time do you recall what the situation was in respect to the Hitler-Stalin pact?

A. I think——

Mr. E. H. Bloch: Objected to as incompetent, irrelevant and immaterial to the issues in this case.

The Court: Overruled.

Mr. E. H. Bloch: Exception.

The Witness: Well, at the time the pact was in effect, I believe.

[fol. 302] The Court: Will you fix the time? What year was this?

Q. 1939 and 1940?
A. Yes, sir.

Mr. Saypol: I have the official date of the existence of that pact if it should go into the record. I think it was August 25, 1939. I think it was August, 1939 to June, 1941.

Q. Were any instructions issued by the chairman with respect to the attitude of the members of the cell in so far as the attitude toward Russia was concerned in the light of the existence of the Hitler-Stalin pact?

Mr. E. H. Bloch: If the Court please, although you have overruled my objection, I would like to object to the question upon the ground that it is leading and suggestive.
The Court: Overruled.
Mr. E. H. Bloch: I respectfully except.
Mr. Kuntz: I take it, if your Honor please, the ruling on the objection applies——
The Court: I said yesterday that all rulings on any objection taken by Mr. Bloch will apply to your client and vice versa unless you indicate to the contrary that you don't join in the objection.
Mr. Kuntz: Thank you.

(Last question read.)

[fol. 303] The Witness: Well, I know that instructions did come down concerning the attitude on the pact, and they would be transferred by the chairman.
Q. What did the chairman say about the attitude, what your attitude should be or what the group attitude should be?
The Court: Not what he would say; what did he say?
Q. Yes.
A. Well, the pact was in effect and support was to be obtained for the pact for the Soviet Union's position, and we were to talk with people and to get general support for the existence of the pact and its aims.
Q. In the course of that pact, of course, Russia was an ally of Hitler, isn't that so?

Mr. E. H. Bloch: I object to the question on the ground that that not only is not the fact; it involves political controversy and discussion outside of the issues in this case. Historians disagree on that.

The Court: I sustain the objection. Well, the fact is that there was a pact in existence between Germany and Russia at that time, is that correct?

The Witness: That is correct.

Mr. Saypol: That is no different from what I asked, if the Court please.

The Court: Well, he didn't like the way you had asked it. Is this a convenient place to pause?

[fol. 304] Mr. Saypol: Yes.

The Court: Ladies and gentlemen, you may retire to the jury room.

(Short recess.)

Mr. Saypol: May I proceed, your Honor?

The Court: Yes.

By Mr. Saypol:

Q. At these group meetings at some of which Sobell acted as chairman, about which you have testified, did any discussion take place amongst those present regarding the position of the group as a unit of the Communist Party relating to Soviet Russia?

A. Yes.

Mr. E. H. Bloch: If the Court please, may I ask the Court to make clear to the jury now that any testimony with respect to Sobell is not binding on the defendant Rosenberg unless the main charge is proved?

The Court: That is quite right. Any testimony concerning this witness' association with Mr. Sobell at this time they are talking about, in 1939 and thereabouts, is not to be received as against Mr. Rosenberg nor Mrs. Rosenberg.

Mr. Phillips: Likewise that is true the other way.

The Court: That is true the other way, too.

Mr. Phillips: Any conversation relating to Rosenbgerg——

[fol. 305] The Court: Unless it occurred during the period of the conspiracy.

Mr. Phillips: Yes.

The Court: After the conspiracy has been established.

Mr. Saypol: Likewise I think it should be stated to the jury, that there will come a time that I will establish that and all of these objections will prove futile.

Mr. Phillips: I think that is an unfair statement, if the Court please.

The Court: Disregard it. I will give you the proper legal instructions at the proper time.

Mr. Saypol: Now let us get back to the business at hand.

(Last question and answer read.)

Q. What was the discussion and what instructions did you receive as part of that discussion?

A. Well, the instructions in regard to this question involved continuous support of the Soviet Union and as a result, I mean from this, through the fact that we were to go out and to gain support from people around us for the position of the Soviet Union.

Q. How long did you and Sobell continue attending these Communist group meetings?

A. Well, it would continue until September, 1941.

[fol. 306] Q. Do you recall the names of some of the persons? In addition to Sobell, do you recall the names of any other persons who attended these meetings?

A. Well, at the first meeting I recall a limited number.

Mr. Saypol: May I just interrupt you for a moment. If the defendants do not object, I shall expect the witness to name the individuals who attended. Sometimes there is an objection and in that event I thought I should caution in advance, and suggest that initials alone be given unless I deem it appropriate to bring out the names.

Mr. E. H. Bloch: I am very glad Mr. Saypol was kind enough to state that to the Court. I would object.

Mr. Saypol: All right. I can do it that way, then. That is why I offered to do it that way to avoid any objection.

Q. Do you remember the initials of anybody who was present at these group meetings?

A. Well, over this period I only recall two. One was——

Mr. Phillips: Initials are just as objectionable as the person's name.

The Court: I beg your pardon?

Mr. Phillips: I object to any initials because the purpose of giving these initials is to identify the people. Otherwise there is not reason for initials.

[fol. 307] The Court: Do you want the names identified?

Mr. Phillips: No. The names have been excluded. I say initials——

The Court: The names have not been excluded. Both counsel have agreed that they won't do it.

Mr. Phillips: Well, both counsel have agreed. Now I think we should as well agree that initials, though not as grave as names, do carry the import of identity.

The Court: Yes. Now, what is the objection as far as your client is concerned?

Mr. Phillips: I object to initials.

The Court: On the ground that it is prejudicial? Do you claim that?

Mr. Phillips: On the ground that those initials may prove prejudicial.

Mr. Saypol: Maybe Mr. Phillips wants only one initial. Would that help you?

Mr. Phillips: Unless the initial is the inital of one of the defendants. Any other people outside of these defendants are not properly charged here with anything, and the only purpose I can see in anybody's mind for introducing their names or identity by means of one or two initials is certainly——

The Court: Mr. Saypol, is there some relevancy to this?

[fol. 308] Mr. Saypol: I am trying to show what transpired at these meetings. I am trying to show what this witness knows about it. I am trying to establish the form and substance, memory and recollection. I want to show that this witness has a clear recollection of what transpired.

The Court: Go ahead.

Mr. Saypol: In proceeding this way I am providing a fertile field for cross examination.

The Court: Go ahead.

Mr. E. H. Bloch: Just a second. If the purpose of this question is to refresh the recollection of the witness, then I submit——

The Court: He didn't say that, Mr. Bloch.

Mr. E. H. Bloch: I thought he said something about recollection.

The Court: No. He said one of the purposes was to show that this witness had a pretty good recollection of everything that had transpired at these meetings.

Mr. E. H. Bloch: There is no question that has been raised to the——

Mr. Saypol: May I substitute the word knowledge?

The Court: I think he has the right to establish it for the satisfaction of the jury. The jury ultimately will pass upon the question of whether or not this man is telling a credible story, whether his recollection is good, and he [fol. 309] wants to establish some of the surrounding facts.

Mr. E. H. Bloch: I think that is true as a general proposition. I am trying to apply it concretely to the specific question. Nobody has raised any question as yet about his recollection.

The Court: But you will raise the question that he is not a credible witness.

Mr. E. H. Bloch: Well, I think that is proper on redirect for Mr. Saypol to try to buttress the credibility of the witness.

The Court: Well, what difference does it make? You will attempt to destroy his credibility.

Mr. E. H. Bloch: I definitely will.

The Court: Well, go ahead.

Mr. Saypol: I will show that he knows what he is talking about. How about the issue of these initials? Will I use one or two or the full name?

The Court: I think you had better use initials. If he is going to go into this subject would you prefer to have initials rather than the full name?

Mr. Phillips: Maybe the initials J. S. somebody will take as Joseph Stalin.

The Court: Well, if the initials are J. S., you will stipulate that it wasn't Josef Stalin. Proceed. Would you [fol. 310] rather have the full name? Is that what you want?

Mr. Phillips: I would rather have neither names nor initials.

The Court: Now if there are going to be initials, I have

ruled that there will be initials, would you rather have the name or the initials?

Mr. Phillips: If your Honor please, I would rather have the initials but that doesn't lessen my objection.

The Court: Very well. I understand.

Mr. Phillips: In other words, I am choosing the lesser of the two evils.

Mr. Saypol: Doesn't this amount to a statement by Mr. Phillips that he would rather not have the testimony?

The Court: Well, let us not comment on it.

Q. You say you recall two persons at least, who attended these meetings?

A. That is correct.

Q. Do you recall the initials of one of them?

A. Yes.

Q. Will you give them to us?

A. S. S.

Q. Was S. S. in the employ of the Government of the United States, do you know?

A. Yes.

Q. Where?

A. I believe it is the Civil Service Commission.

[fol. 311] Q. Do you remember the other?

A. I recall one other initial, S. M.

Q. In the employ of the Government?

A. I only believe that there was employment in the Government, yes.

Q. Do you know what branch?

A. No.

Q. After Sobell left what happened to you in connection with the membership in that Communist group?

A. Well, there was a change of personnel but I continued as a member of the Communist Party.

Q. Until when?

A. Until 1948.

Q. Did there come some sort of change in the identity or in the definition of the members of those groups after 1942? Were they allocated to respective branches of the Government?

A. Yes. About that time the members of the individual

groups were made up mainly of employees of a particular agency.

Q. What denomination was applied to the group which you were a member of?

A. Navy branch.

Q. Navy branch? Was the word 'cell' used at that time?

A. I don't believe so.

Q. Do you remember how many constituted that branch?

A. Well, it varied. It started with two.

Q. Approximately?

A. About seven or eight. Eight, possibly. I haven't added them up at one time.

[fol. 312] Q. Do you remember the initials of some of the members of that group.

A. Yes.

Mr. Kuntz: If your Honor please, I think I gathered from the witness's answer that he is now referring to after, he testified, Sobell left. So obviously, if that is the case, obviously this testimony would be wholly irrelevant.

The Court: Yes. I will sustain the objection.

Q. Now, between 1941 and 1944, did you have occasion to see Sobell?

A. Yes. Sobell visited Washington on about two occasions.

Q. Did you see him and talk with him?

A. Yes.

Q. Then you have told us there finally came a time in 1944 when you had this meeting with Rosenberg at 246 Delaware Avenue?

A. Yes.

Q. Now do you remember in point of time any significant date related to that meeting?

A. Yes. It was a short time after D Day.

Q. And it was that night that you received a telephone call from one Julius Rosenberg?

A. Yes.

Q. In that conversation he said he wanted to talk with you?

A. Yes.

Q. Did you associate him at that time as a former colleague at City College?

A. Yes.

Q. I take it that was the basis upon which you agreed [fol. 313] to see him and invited him there?

A. Yes, that is right.

The Court: You hadn't seen him since your City College days?

The Witness: That is correct.

Q. Did he finally come to your home?

A. Yes.

Q. When did he arrive, do you remember?

A. It was in the evening. It was after supper. After we had our supper.

Q. I think you told us he first spoke with you together with your wife?

A. That is right.

Q. And thereafter he spoke to you alone?

A. Yes.

Q. Was it at his request that this conversation was carried on with you privately or just a coincidence?

Mr. E. H. Bloch: If the Court please, I not only object to the form of the question but I object to it on the ground that it has already been asked and answered.

The Court: Yes, that was answered. He said he had asked his wife to leave the room. Rosenberg had asked whether or not Mr. Elitcher's wife would leave the room and she did leave the room.

Mr. Saypol: Is the reference now to the prior testimony at the outset of the examination or immediately prior to this? I want to go into it in some more detail.

The Court: All right. Go ahead. That particular ques- [fol. 314] tion Mr. Bloch said had been answered, and it was answered.

Q. Will you continue to tell us after you started the talking with Rosenberg alone what you said and what he said?

Mr. E. H. Bloch: I object upon the ground that it has already been asked and answered.

The Court: Is that a new field?

Mr. Saypol: There will be additional details brought out to those that I initially developed. I can try to be precise

and segregate, although I think with continuity no harm can be done in having the witness tell his narrative.

The Court: Well, maybe we can save some time.

By the Court:

Q. Do I understand Mr. Rosenberg then asked you what type of work you were doing in the Navy and told you that Russia needs help, and asked you to turn over any blueprints which could help, is that correct?

A. Yes.

Q. And if there were any film involved that he would have it taken care of in the proper container and all this material could be returned before the next morning so there wouldn't be anything about it?

A. Yes.

The Court: Go on from there.

[fol. 315] By Mr. Saypol:

Q. Was anything said—well, all right, suppose you supply it, Mr. Elitcher?

A. Well, in the process of convincing me of the perhaps need or the safety of these deeds, he told me that Sobell, who had been my former roommate was also——

Mr. Phillips: Just a minute. I object to any conversation about Sobell in the absence of Sobell.

The Court: Let us understand this right now; in a conspiracy after it has been established that the conspiracy exists, conversations by one conspirator are binding on the other conspirator even though not in his presence. Your objection is that no conspiracy has been shown?

Mr. Phillips: Precisely.

The Court: The Government can't prove its entire case in one hour.

Mr. Phillips: But they must first prove the thing they must prove first.

The Court: They can't prove their entire case in one hour. Your objection is overruled. It is taken subject to proof that a conspiracy exists.

Mr. Phillips: Exception.

Q. Did Rosenberg say anything to you at that time about the fact that others were getting similar military informa-

[fol. 316] tion?

A. Yes. Well, he had said that other people were——

Mr. E. H. Bloch: I am going to ask Mr. Saypol please not to ask leading and suggestive questions.

The Court: Try not to lead on this subject, Mr. Saypol.

Mr. Saypol: Of course I won't, but sometimes——

The Court: Sometimes you can address the witness's attention to a particular subject, like you have him now in a conversation in June, 1944. Will you exhaust his memory on that?

(Last question read and answer.)

The Court: Complete your answer.

The Witness: Were also helping in this matter.

Q. Did he tell you any more about the way in which they were helping?

A. No, he did not.

Q. Now, it was immediately preceding this last answer you gave that you answered my question regarding the fact that others were supplying similar military information to Rosenberg.

A. Yes.

Mr. E. H. Bloch: I object to the form of the question. I object on the additional ground that it presupposes a state of facts not proved.

The Court: Well, he asked whether it was the fact.

[fol. 317] Mr. Saypol: That was on the record. That is what I intended to have read.

The Court: I thought it would shorten it, but he wants——

Q. What did Rosenberg say to you about that?

A. Well, he had said there were others contributing. No other names were mentioned, but there were others contributing in this way.

By the Court:

Q. In what way?

A. In this way, in giving information to him, giving to Rosenberg.

Q. What information?

A. Military information.

By Mr. Saypol:

Q. For what purpose?

A. For the purpose of transference to the Soviet Union.

Q. Was it at that time that he then mentioned that Sobell was helping in this way?

A. Yes.

Q. In the course of the conversation was anything said about other individuals besides yourself?

A. No, no other names were mentioned.

Q. I am talking generally.

A. Yes.

Q. Was anything said about getting others?

A. Yes. He was interested——

Mr. E. H. Bloch: I object to it on the ground the question has already been asked and answered, and I think it is [fol. 318] unfair to stress something of this kind.

The Court: It has been asked and answered.

Mr. Saypol: I know it has but I am trying to maintain the continuity. I can't pick these things apart.

Q. What was said finally with respect to the course you should pursue if you had any information to supply?

Mr. E. H. Bloch: Again I object to it on the ground the question has been asked and answered.

The Court: That is correct. Unless there is something else. I understand he was to turn it over to him and he would have it photostated or do whatever was necessary and return it by the morning so it would not be missed.

Q. Did he tell you where you should take your information in order to get it to him?

A. Yes.

Mr. E. H. Bloch: I object to the question upon the ground——

The Court: That is overruled. Go ahead.

A. Yes. He said that his name was listed in the Manhattan directory and I could find it there. I believe he also gave me his address, but he said I could find his name in the Manhattan directory.

Q. Did he say anything about the ultimate destination of the material which would be supplied?

Mr. E. H. Bloch: I object to the question upon the ground [fol. 319] that it has been asked and answered.

The Court: I will permit this to be answered.

A. Other than that it would go to Russia, there was nothing else mentioned.

Q. Did he describe to you the type of material that he was interested in getting?

A. Well, yes. The interest was mainly for plans or reports or books regarding military equipment, new military equipment, anything that I might think could be of any value, of any assistance to the Soviet Union.

Q. Did that terminate the meeting that night?

A. Yes.

Q. Now, after that when did you see Rosenberg next?

A. Well, later that summer, my wife and I took a trip to New York. Rosenberg had previously said if we were in New York to call him, we might have dinner or we might meet other classmates. So we did call him and he arranged a meeting with other classmates for dinner.

Q. Did you have dinner with him that night?

A. Yes.

Q. How many people were present at that dinner?

A. About five others.

Q. Was that a public restaurant?

A. Yes.

Q. Were others present besides the defendant?

A. Yes.

[fol. 320] Q. I take it then that there was no discussion concerning this subject that you have testified to?

A. That is correct.

Q. After that do you recall seeing Sobell and his wife?

A. Yes.

Q. By that time Sobell had been married?

A. No, I don't believe so.

Q. Where did you see him and when?

A. Well, we went on a vacation to Kumbabrow State Park in West Virginia.

The Court: When?

The Witness: The week preceding Labor Day, 1944.

Q. Did you stay at that camp or state park, you and your wife and Sobell and his wife?

A. Yes.
Q. For how long?
A. One week.
Q. While you were there did you have any conversation with Sobell regarding the prior conversation that you testified to with Rosenberg?
A. Yes.
Q. That is the one on D Day?
A. Yes.
Q. What was said? Before you say that, who was present? Did the women hear this conversation? Were they present?
A. No.
Q. Just you and Sobell?
A. That is correct.
Q. What was said?
A. I told him that—well, I had wanted to tell him so that I could be sure of my position. So I said to him that Julius Rosenberg had visited me some time ago, a short time ago [fol. 321] at my home, and had asked me whether I would contribute military information to Russia, and in the course of that he had said you, Sobell, were also helping in this. At this point he became very angry and said "he should not have mentioned my name." "He should not have told you that." I tried to explain that Rosenberg knew of our close relationship, and you probably knew that he had seen me. So he probably felt safe about it. He said—he was still angry and said, "it makes no difference, he shouldn't have done it."
Q. Now I have referred to the woman who is now Sobell's wife as his wife; at that time they weren't married?
A. That is correct.
Q. Subsequently did you attend their wedding in March 1945?
A. Yes.
Q. Where did the wedding take place?
A. In Virginia.
Q. When did you see Rosenberg next?
A. In the summer of 1945.
The Court: When did you say they were married?
The Witness: In March, 1945.
Q. You say you saw Rosenberg in the summer of 1945?

A. That is correct.

Q. Where did you see him?

A. At his home.

[fol. 322] Q. What were the circumstances of your visit?

A. Well, my wife and I had again taken a vacation of a few days and we were staying in New York. We first stayed at my mother's house. My wife was dissatisfied and we were looking for another place to stay. We had called Rosenberg——

Q. We or you?

A. I called, through common discussion about it; I called Rosenberg. In the course of our talk he suggested that we could stay at his place; his wife was in the country, and so we could use his apartment.

Q. Where was that apartment?

A. Knickerbocker Village.

Q. Did you stay there?

A. Yes.

Q. Did you have a talk with him that night?

A. Yes.

Q. What was discussed between you?

The Court: Just the two or you or your wife?

The Witness: It was part with my wife and part on the side.

Q. What conversation took place in your wife's presence and then tell us about that which took place between you alone?

A. Well, one of the things we talked about related to this; he apparently—well, I don't know the exact circumstances, but he was either up for dismissal from his job or had been [fol. 323] dismissed from his job for security reasons.

Mr. E. H. Bloch: I object to this unless Rosenberg said it. I don't want this witness's idea.

The Court: Yes.

By the Court:

Q. Before you tell us that, where was he working?

A. He was an inspector for, I think, the Army or Air Force at some place that was making electrical equipment for them.

Q. Tell us what Rosenberg told you. Did he tell you he was up for dismissal?

A. Yes. I don't know whether he was up for dismissal or had been dismissed, but his case was current.

By Mr. Saypol:

Q. You say he was working for some firm doing military work for the Air Force?

A. Well, it was military work and I believe he was a Government inspector rather than working for the firm.

Q. You say you don't remember whether he told you he had left or been discharged or whether he was up for discharge?

A. That is correct.

Q. But he did say for security reasons?

A. That is correct.

Q. What else was said?

A. He talked about the case. The union with which [fol. 324] he was affiliated was fighting it with him.

Q. Did he have some documentary material with him?

A. Yes. He had some paper, some sort of brief regarding the case.

Q. Did he read it to you?

A. He read some brief pieces from it.

Q. What do you recall what he read to you?

Mr. E. H. Bloch: If the Court please, I object to any conversation between this witness and the defendant Julius Rosenberg with respect to any subject matter not related to the issues in this case, and I urge that any subject matter concerning Rosenberg's employment or possible dismissal from employment in the Federal Government is not related to the issues in this case, and it only serves to prejudice at this time. I don't know what is going to come up.

Mr. Saypol: Well, the proof will come out.

The Court: The objection is a good one, that nothing should be admitted that is not related to the case.

Mr. E. H. Bloch: Correct.

The Court: But Mr. Saypol says that it is related to the case and I must accept his word for it, and if it ultimately appears that it is not, I shall strike it.

Mr. E. H. Bloch: I agree with your Honor with this [fol. 325] exception. We already know what the subject matter that was discussed between Rosenberg and this witness was. He has already stated it. What I am objecting to is going into that matter.

The Court: Overruled.

Mr. E. H. Bloch: I respectfully except.

Q. Now, do you recall what the substance of those lines was that he read to you from that document?

A. Well it had to do with——

Mr. E. H. Bloch: My objection stays, your Honor?

The Court: Overruled.

Mr. E. H. Bloch: And if there is going to be any question of a document, I also object on the secondary evidence rule.

The Court: Overruled.

Mr. E. H. Bloch: I am sorry, the best evidence rule.

The Witness: Well, it had something to do with some statement that had been presented regarding membership in the party, the Communist Party or party activities, and I don't recall the complete substance of it.

The Court: Was there any comment by him after he read it to you?

The Witness: Yes. That is what is to come up.

The Court: Are you coming to that now?

[fol. 326] The Witness: Yes.

Q. At that time do you remember——

Mr. Phillips: The witness is inaudible again, your Honor.

Mr. Saypol: After the close of the recess I mentioned it. I am sure everybody heard it. I asked some of the spectators in the rear of the room. They said at times they can hear the witness better than I.

Mr. Phillips: I don't think it is a problem here whether the spectators hear it.

The Court: I don't need any argument on this really, gentlemen.

Mr. Phillips: I don't think it is proper for Mr. Saypol to discuss these things with spectators.

The Court: Oh, listen, you are going to be here a long time. Just relax. Go ahead.

Q. About that time was the conversation carried on with you alone or with your wife?

A. Well, there wasn't a continuation of the conversation. He just called me aside and made this remark to me.

Q. Now, did he say anything to you about the basis for the charges against him, the actual basis and what he thought had been the basis.

A. Yes.

Mr. E. H. Bloch: I object to that as completely incompetent and immaterial.

[fol. 327] The Court: Overruled.

Q. What did he say to you?

A. He said he had been worried for quite some time, for weeks about this case, because he thought it had to do with this espionage activity, but he was quite relieved to find out it only had to do with the party activity. So he was relieved.

Q. Did he say anything about you?

A. I don't recall anything.

Q. Did he invite you to come to see him again?

A. Yes.

Q. When did you see him next? Do you recall a telephone conversation with him one Saturday morning?

A. Oh, yes.

Mr. E. H. Bloch: Again I must object to the question as leading and suggestive.

The Court: Overruled.

Mr. E. H. Bloch: I respectfully except.

A. He called me again in September of 1945.

Q. Did he tell you where he was?

A. Yes. He was at the station, at Union Station in Washington. He had come into the city and said he wanted to speak to me.

Q. Did you see him?

A. Yes. He came over to the house.

Q. How long was he with you that morning, do you remember?

A. A short time. About fifteen or twenty minutes.

[fol. 328] Q. What did he say?

A. Well, the war was over and he was saying that even

though the war was over there was a continuing need for new military information for Russia, and again was trying to get my views about it, whether I would want to contribute in the future.

Q. You mean continue in giving help?

Mr. E. H. Bloch: I object to any phrase of Mr. Saypol with respect to what the witness has said.

(Last answer read at the request of the Court.)

The Court: I think that is sufficient. Have you completed your answer?

The Witness: Yes.

The Court: What did you say to him?

The Witness: I said I would see and if I had anything and I wanted to give it to him, I would let him know.

Q. Was there any discussion between you regarding the type of work you were engaged in at that time in the Bureau of Ordinance in the Navy Department?

A. Yes. He was asking whether—what I was doing. This was quite some time later after the past visit, and he was inquiring about it.

Q. What did you tell him what you were working on at the time? What did you tell him?

A. Well, I told him that I was working on some sonar [fol. 329] or anti-submarine fire control devices.

Q. Will you tell us what that was? Describe it a little more.

A. Well, a fire control device being used for firing missiles against a target. These were particular ones which computed for missiles to be fired against submarines.

Q. In connection with your work I think you have told us you had occasion to visit different war plants throughout the country?

A. Yes.

Q. That is for the Navy Department?

A. Yes.

Q. Were there occasions when you visited the General Electric plant in Schenectady, New York?

A. Yes.

Q. Was any such work in progress there?

A. Yes.

Q. Did there come a time when Sobell was employed in that plant?

A. Yes.

Q. Were there occasions on your visit to Schenectady that you saw Sobell?

A. Yes.

Q. Do you recall an occasion in 1946 on one of these trips when you stayed overnight with Sobell at his home?

A. Yes.

The Court: What year is this?

Mr. Saypol: 1946.

Q. What part of 1946 was that, do you remember?

[fol. 330] A. It would be the early part of 1946.

Q. Was there a discussion brought up by Sobell regarding the military work or classified work or anything like that that you were working on?

A. Yes.

Q. What was the conversation between you?

A. Well, we talked about our work, about what I was doing and what he was doing, and he inquired about some—as to whether there were pamphlets written.

Q. Well, just a moment, before you get to that. What kind of work did you tell him you were doing?

A. Well, I was working—I was project engineer on a fire control system, and I was in charge of that development work.

Q. Then what did he say? After you discussed with him the details of the work you say there was something said about some pamphlets or pamphlet?

A. Well, he inquired as to whether there were any reports written about this system on which I was working.

Q. In other words, he inquired about written material as distinguished from the oral talk that took place between you?

A. Yes.

Mr. Phillips: I object to Mr. Saypol's speech about that. He said in other words. The witness didn't say that. Mr. Saypol says it. It is leading, suggestive and improper.

[fol. 331] The Court: That is the way you should have made the objection without your speech.

Mr. Phillips: I jumped up as soon as I could.
The Court: But you made a speech and you objected to Mr. Saypol's speech.
Mr. Phillips: Oh, all right.
The Court: Overruled.
Mr. Phillips: Exception.

Q. What did you tell him with regard to this written material?
A. I said there were some reports written on various phases of the equipment.
Q. Did you say anything else about it?
A. He asked if I could get any of these reports and I said they were isolated ones and had little importance.
Q. These reports that he was talking about and that you were talking about, were these likewise classified?
A. Yes.
Q. That is, they were not available for public distribution?
A. That is correct.
Q. They were military secrets?

Mr. E. H. Bloch: I object to the question.
Mr. Phillips: I object to him asking the witness to conclude that they were military secrets.

Q. Were they military secrets?

Mr. Phillips: He said they were classified and not open [fol. 332] to the public. That is as far as we know.

By the Court:

Q. As far as you know were they military secrets?
A. Yes.

Mr. Phillips: I object to the form of that question, and I except.
The Court: Overruled. And in what fashion were they classified?
The Witness: Confidential.

By Mr. Saypol:

Q. Was there any further discussion about the written material?

A. Yes. He asked me whether there was an ordinance pamphlet written about this material, an ordinance pamphlet being an overall description of the system.

Q. What did you tell him?

A. I said no, there was not. There was one being written by G. E. and would be finished—it was due to be finished some time the end of the year.

Q. Did he ask you whether you would get one for him or get some for him?

Mr. Phillips: I object again to asking this witness, trying to put the words into his mouth.

The Court: Can't we get this story from the witness in continuous fashion without this punctuation by an additional question?

[fol. 333] By the Court:

Q. Can't you tell us or don't you remember? Can you tell us what you said to him and what he said to you about it?

A. Yes.

Q. Why don't you tell us the whole story?

Mr. Saypol: Well, if we didn't have these frequent interruptions I think we could get it. The interruptions tend to distract the witness and I have to pursue it seriatim.

Mr. Phillips: May I suggest that the interruptions are occasioned by Mr. Saypol's improper questions.

The Court: May I suggest that we have no further argument. Go ahead.

The Witness: Well, on this occasion he asked me whether these were any reports written about the equipment, and I said yes, there were some. He asked if I could get these reports for him. I said no—I said yes but that they were very unimportant, they were isolated. They dealt with specific problems. He then asked whether there was an ordinance pamphlet written and I said no there wasn't, but one was due to be completed at the end of the year approximately, scheduled for completion then, and he was interested in seeing or knowing about the completion of this report.

Q. Do you know what type of work he was doing at the [fol. 334] General Electric plant at that time?

A. Yes.

Q. What was he working on? Tell us.

A. Well, he was working mainly on Servo mechanisms relating to military work.

Q. Can you tell us anything more about that? Servo mechanisms?

A. Well, they are devices which are part of the systems, which are used to control, to drive equipment, to take intelligence and to use it in any way that it is necessary for these computations that are made. Generally you might say it is equipment which takes intelligence information and reproduces it mechanically or electrically and perhaps in other forms so it can be used.

Q. Do you know whether that was classified information?

A. I believe it was, yes.

Q. When did you see Sobell again?

A. Well, I saw him again later that year at his home in Schenectady.

Q. Was that in connection with one of your official trips?

A. Yes.

Q. Did you have any conversation with him about these pamphlets?

A. Well, we had a discussion about our work, talking about what we were doing. In addition he asked me about the status of this pamphlet which I had previously mentioned. I told him it was not completed, it was dragging along, it had not been finished yet.

[fol. 335] Q. Was there any further discussion?

A. Yes. There was a suggestion made to me to visit——

Q. By him?

A. By him, to see Rosenberg. I had not seen him and the suggestion was made, and I said I would do so at some future opportunity.

Q. Did he state to you the purpose for which you should see him?

Mr. Phillips: Just a minute. That is open to the same objection I made before.

The Court: I will overrule it.

Mr. Phillips: Exception.

A. Well, he said, I don't know in what words, or implied that it had to do with this espionage business, but I don't recall the exact nature of the words.

Mr. Phillips: I move to strike out the answer as a conclusion of the witness. He spoke of something being implied.

The Court: Well, I want to say this right now so that we have no further difficulty on this business of conclusions. I suggest that you read the most recent holding by the Court of Appeals for this circuit in United States v. Petrone, decided November 20, 1950. I don't know what the official citation is. You will find that the latest pronouncement by the Court of Appeals on this business of conclusions. In effect they tell the district court not to adhere [fol. 335a] to the old form of law book teaching on the matter of taking of evidence, that a conclusion should necessarily be excluded; the important thing, the important function of the district court is to attempt to elicit the truth from the witness, and whatever form, in effect they say, the district court determines would best elicit the truth, with the exception of the old hearsay doctrine which is still adhered to, that is the form which the testimony should take.

[fol. 336] Now, I will, in my good judgment, at times sustain objection to exclusions, and at other times I will overrule them, in my good judgment.

Mr. Phillips: The point of my objection is to the use of the words "the conversation implied something." That is certainly objectionable.

The Court: That means an impression that he got. That is what a conclusion is, a man gets an impression of something.

Mr. Phillips: And the latest ruling is that a witness's impressions may be stated in that form?

The Court: Under certain circumstances, for the purpose of eliciting the truth.

Am I stating the law correctly as you understand it, Mr. Saypol and Mr. Cohn.

Mr. Cohn: No doubt about it.

Mr. Saypol: Mr. Cohn tried the case; he argued the case.

Mr. Cohn: No doubt about it. The Court of Appeals specifically held that an impression of a witness is competent, and in fact suggested it was error on the part of the District Court——

The Court: So to exclude an impression.

Mr. Cohn: The specific question, very briefly, in that case was, an FBI agent was asked his impression of whether [fol. 337] or not a counterfeiter knew that counterfeit money was in his house and was under his control, and the Court of Appeals held it was error not to permit the FBI agent to give his impression of whether the defendant knew at the time.

The Court: That is correct.

Mr. Phillips: I don't think it is quite analogous for a man saying something was implied.

The Court: The doctrine which they enunciate there is that the District Court should not be rigid in repeating and adhering to the old law school type of teaching, that all conclusions are not admissible, and I happen to think the Court of Appeals is absolutely right, for whatever that is worth.

Mr. Phillips: May I submit that this——

The Court: I think that this is an easier form and a better form to elicit from a witness the truth, without going to a lot of unnecessary motions.

Mr. Saypol: After all, aren't we getting at the truth here, by trying to get impressions from the witness?

The Court: Proceed.

Mr. E. H. Bloch: I object to any statements at all.

The Court: I will sustain your objection to Mr. Saypol's [fol. 338] comments.

Disregard Mr. Saypol's comments.

Mr. Phillips: What is the ruling on my objection?

The Court: The ruling on your objection is that it is overruled.

Mr. Phillips: Exception.

Mr. Saypol: Now, we got lost in the middle again. Will you reread the last question and answer, please?

(Last question and answer read.)

By Mr. Saypol:

Q. That took place in the early part of 1946 or in 1946 sometime?

A. Yes.

Q. Thereafter did you see Rosenberg?

A. Yes, I did.

Q. That was after the discussion with Sobell?

A. Yes.

Q. In which Sobell suggested that you see him?

A. Yes.

Q. Where did you see him, do you remember?

A. Did you say where or when?

Q. Where?

A. At the home of Rosenberg.

Q. What did you say to him and what did he say to you?

A. Well, I called him and said—well, I was in the city [fol. 339] on some official business, I believe—I called him and told him I would like to see him, and he said to come over. When I went up there——

The Court: When was this, did you say?

The Witness: I am sorry?

The Court: When was this?

The Witness: Either the end of '46 and possibly '47, the date I don't know.

The Court: All right.

A. (Continuing) I told him about what I was——

Q. Let me interrupt you for one minute. At the outset of the conversation was anything said about the fact that you had talked to Sobell?

A. Yes, I told him I had.

Mr. E. H. Bloch: Now, if the Court please, I think that there ought not to be any leading or suggestive questions on this.

The Court: I agree.

Mr. E. H. Bloch: I agree with the Court, he ought to be asked concerning the conversation.

The Court: That is right; and he should tell us the conversation, and then if he has left out something which you consider important, then I will permit you to jog his memory, but I do wish this witness would tell us his story.

[fol. 340] Q. Will you then tell us, Mr. Elitcher, after your conversation with Sobell, about your visit with Mr. Rosenberg and what you said and what he said?

A. When I came there I told him that I seen Sobell, but he had suggested seeing him. I told him about my new work—I was perhaps in a more receptive frame of mind for him—and he then interrupted and told me that they were having some difficulty, felt that there was a leak in this espionage, and because of that there were precautions being taken by him. He told me it would be best if I don't see him, if I don't visit him, that I don't come to see him until he lets me know or until someone informs me. Otherwise—I think that was the substance of the conversation.

Q. Do you remember whether anything was said about what should be done by you in regard to any of your outside activities?

A. Yes. I was told by him that it would be best if I discontinued my union activities and party activities.

Q. You mean Communist Party activities?

A. Yes.

Mr. E. H. Bloch: Now, I object to that. There is no suggestion, there is no such suggestion in the witness' testimony, and here again it is leading.

The Court: Overruled.

Mr. E. H. Bloch: I except.

[fol. 341] The Court: I think that is a matter that will go to the credibility of the witness. I have got to take it.

Mr. E. H. Bloch: I understand, your Honor, but if you will remember this witness' testimony, he hasn't said one word about Rosenberg's Communist Party affiliations or activities. They were exclusively those of Sobell. Now, for the first time, Mr. Saypol interjects "Communist Party activities." I don't know what this witness meant, but I would like to get his testimony.

The Court: Let us have no argument. I am sure that Mr. Saypol isn't interjecting anything that this witness hasn't told him on a previous occasion.

Mr. E. H. Bloch: I am convinced of that.

Mr. Saypol: I take it that when this witness refers to "party activities" he is not talking about a May party or

a political party, other than the party to which he is testifying.

The Court: Will you disregard that, please; continue, Mr. Saypol.

By Mr. Saypol:

Q. Do you know whether there came a time in 1947——

The Court: Well now, wait. I am a little confused now on this story. Do I understand that the story ends this meeting with Rosenberg, in the early part of 1946, when [fol. 342] he tells you that he doesn't want you to do anything in connection with him and that you will hear from him further?

The Witness: Yes, that was late '46.

The Court: Late '46.

Mr. Saypol: I think the witness said late '46 or early '47.

The Court: That is right, or beginning of 1947, yes.

The Witness: And he added that it would be best if I discontinued any of my union and Communist Party activities, that it would be much safer. I told him I couldn't, that that was what I was doing, that was my life down there and I could not withdraw. He insisted but there were no conclusions resulting from it, and I left .

By Mr. Saypol:

Q. Was anything said by either party in respect to remaining in communication with each other?

A. No.

Q. About that time, where had Sobell been working?

A. At G.E.

Q. Did his employment change then?

A. Well, sometime in 1947 he took a position at the Reeves Instrument Corporation.

Q. That is here in New York City?

A. Yes.

[fol. 343] Q. Do you know what kind of work he did there?

A. Well, there was—it was again work done for the Armed Services; I am sure it was classified. He was in charge of a project at the Reeves Instrument Corporation.

Q. About that time did you see Sobell?

A. Yes.

Q. Did you have a conversation with him?

A. Yes. I met him more than once at Reeves.

Q. Do you recall the occasion when you had lunch with him?

A. Yes.

Q. Where did that luncheon take place?

A. At a sort of eating place on Third Avenue, The Sugar Bowl.

The Court: When?

The Witness: In 1947.

The Court: When?

The Witness: End of 1947. I don't remember the month.

Q. Third Avenue and what street, do you remember?

Q. 99th—no, I am sorry—89th Street.

Q. Was there some conversation then about the type of work that he was on?

A. Well, we did talk about what we were both doing; we always talked about that.

Q. What was it at the time, do you remember?

A. That I was doing or that he?

Q. He was doing.

A. Well, he was working on some plotting, what we call "a plotting board."

[fol. 344] Q. What were you working on?

A. I was still working on this same fire control system.

Q. Any particular phase of it?

A. No, it is the same. I was the project engineer in charge of the whole system.

Q. At this luncheon conversation, what was said?

A. Well, there was this request for names or information about any engineering students that I might know, who were progressive, as I have testified before, and asked whether, if I knew of any such people, would I let him know. I told him I didn't know anybody. However if somebody came along I would tell him about it.

Q. Was there anything said about the method of putting them in touch anybody, whom they were to be put in touch with?

A. No, there was no discussion of that.

Q. About that time, do you recall a conversation with Sobell relating to your wife?

A. Yes.

Q. What was the conversation?

A. Well, at about that time my wife and I were having some personal difficulties and I told it to him.

The Court: Where was this, at the Sugar Bowl?

The Witness: At the Sugar Bowl.

A. (Continuing) He said that—or, he became concerned and asked whether she knew anything about this espionage business. I told him I thought that she might know. How-
[fol. 345] ever, I wasn't sure. He said, "Well, that isn't good"; and I said, "Well, it is just too bad. If she knows, she knows, and I just can't do anything about it."

Q. Then, did there come a time when you went to work for the Reeves Instrument Company, too?

A. Yes.

Q. What was that?

A. In October of 1948.

Q. Where did you take up your residence?

A. At the address I mentioned previously, 164-18 72nd Avenue, Flushing.

Q. Did you and Sobell live near each other at that address?

A. Yes.

Q. In other words, he lived in the same vicinity?

A. Yes, we were back to back, actually.

Q. Do you have occasion to come to work together and go home together?

A. Yes, we rode together in sort of a car pool, two of us, and we alternated driving.

Q. Now, do you recall a conversation with him on one of these occasions, returning home, regarding this subject?

A. Yes. There was a similar request made about people that I might know, except on this occasion there was the statement——

Q. By whom?

A. By Sobell, that because of some increased security measures that had been taken, it would be best to find engineering students, young students, who were not in-
[fol. 346] volved in any progressive activity, so that they would not be suspected, people who might eventually be asked about providing military information. I said I didn't

know anybody—again I didn't know, and I said I had no knowledge.

Q. Now, just coming back for a moment, at the time you first came to work for Reeves or immediately preceding that, did you have any conversation with Sobell about your plans?

A. Yes. I had been informed—well, my plans for leaving the Bureau of Ordinance started some months before I left. I had been telling him about it, telling him that I had been planning to make a change. However, I hadn't made up my mind. However, when I finally did decide to leave, which was about in June of 1948, again on the occasion of a visit to New York on business, I called him and told him that I was planning to leave the Bureau; that I had definitely decided to do so. He said, "Don't do anything before you see me. I want to talk to you about it, and Rosenberg also wants to speak to you about it." He made an appointment for me to meet Rosenberg at 42nd Street and Third Avenue, which I did. This was about 6:30 in the evening. There was a meeting with Rosenberg——

The Court: Speak up.

[fol. 347] Mr. E. H. Bloch: May we have the time fixed, please, your Honor?

The Court: Yes.

The Witness: I think it was in June of 1948, when I decided to leave.

The Court: And is this when you had this conversation with Sobell?

The Witness: Yes.

Mr. Saypol: The conversation with Sobell, if the Court please, I think preceded the appointment that he made. The appointment came out of the conversation with Sobell.

The Court: Yes, I am talking about having this conversation and I am asking whether that was in June of 1948?

The Witness: Yes.

By Mr. Saypol:

Q. Now, did you ultimately meet Rosenberg as a result of Sobell's suggestion?

A. Yes, I met him at this appointed place. Sobell also

came along—I don't believe they came together—and we walked up Third Avenue and some of the side streets and discussed this matter.

Q. What did Rosenberg say to you?

A. Rosenberg asked about my plans to leave.

[fol. 348] The Court: When was this?

The Witness: Same time, this is the same day.

The Court: Oh, the same day.

Q. Yes?

A. Asked about my plans. I told him I had decided to leave Washington. He said that that was too bad; that he was sorry to hear it, because he wanted me to stay there, at the Bureau of Ordinance; he wanted me—he needed somebody to work at the Navy Department for this espionage purpose, and he wanted me to change my mind. He said that he also—he had some plans in his pocket for me to make a contact in Washington to meet somebody, to establish a contact. I told him that I would not, I would not do so, I would not change my plans to leave. My wife and I wanted to leave and we were going to leave. Sobell was along and I recall that he agreed with Rosenberg in his trying to convince me to stay down at the Bureau of Ordinance. However, I convinced him that I was not going to change my plans; I was going to leave Washington. So that ended that part of the conversation. Sobell left and Rosenberg and I had dinner together.

Q. Well, in the course of the conversation among the three of you, when they were trying to convince you that you ought to stay at the Bureau of Ordinance, at the Navy Department in Washington, do you recall any language [fol. 349] of Sobell's to you regarding his view of Rosenberg's pleas to you?

A. Well, only that he said, "Well, Rosenberg is right, Julie is right; you should do that," just some similar remarks concerning it.

Q. Now, after Sobell left, what happened?

A. Rosenberg and I had dinner together at Manny Wolf's, on Third Avenue, and——

Q. What was the conversation in the course of that dinner?

A. Well, among other things, we continued to talk about

this espionage, not relating to my leaving or not leaving. He spoke of—well, he asked whether I knew of places where important military work was done. I mentioned the Bell Telephone Laboratories to him. He was interested in my getting——

Q. Which Bell Laboratories?

A. In Whippany, New Jersey. He was interested in my getting a position there and I said, "We'll see, maybe I can. I don't know." He also told me about the fact that money could be made available for my education, if I so desired, if I wanted to take courses which would improve my technical status. In the course of that conversation I also asked him about how he had started in this venture and he told me that he had a long time ago decided that this was what he wanted to do and he made it his point to get close to people, people in the Communist Party, he said—he didn't specify any person or their positions—[fol. 350] and kept getting close from one person to another, until he was able to approach someone, a Russian—again he didn't specify who or what he was—who would listen to his proposition concerning this matter of getting information to Russia.

Q. Did he say that he finally succeeded in getting to somebody?

A. Yes, he did.

Mr. Saypol: Your Honor, I want to go into a fresh subject. Perhaps your Honor is disposed to take the noon recess.

The Court: All right.

Ladies and gentlemen of the jury, you are excused until 2:20 this afternoon.

The Court will recess until 2:20.

(Recess to 2:20 P.M.)

[fol. 351] Afternoon Session

MAX ELITCHER, resumed the stand.

Direct examination continued.

By Mr. Saypol:

Q. At the time of the luncheon recess I recall you were testifying about the time you came up to New York from Washington and changed your employment. When was that?

A. Well, the time I came up and decided to change my employment was in June of 1948.

Q. Now, there came a time when you drove to New York with your family?

A. That is correct.

Q. When was that?

A. The end of July or the beginning of August. Just about the end of July.

Mr. E. H. Bloch: What year?

The Court: What year?

The Witness: Of 1948. I was coming up to look for a place to live and my family and I drove up to New York. We were going to stay at the home of the Sobells during the search for a home, a permanent home.

Q. Did you come to Sobell's home with your family?

A. Yes, I did.

Q. Did you talk to him? Did you see him there?

A. Yes, I did.

Q. Will you tell us about the conversation?

A. Well——

The Court: This is the end of 1948?

[fol. 352] The Witness: No, June—July of 1948. Well, on the way up——

Q. Just a moment. Excuse me. I think the witness said the end of July or August.

The Witness: Yes.

Q. Go ahead.

A. On the way up to New York, upon leaving Baltimore

we had stopped to buy some dishes and we went off the main road and on coming back I noticed that I was being followed.

Mr. E. H. Bloch: I object to this as not binding on the defendant.

The Court: It will be connected with the defendant in a conversation of some kind.

Mr. Saypol: Yes. I think by this time it is pretty nearly connected.

The Court: You say it will be?

Mr. Saypol: Yes.

The Court: Objection overruled.

Mr. Saypol: I say by this time I think it is pretty nearly connected. He has testified to a conversation with Sobell.

The Court: Not yet. He hasn't told us yet. I assume he will.

The Witness: I continued to notice these cars until I got to New York, and I stopped off briefly at my mother's [fol. 353] house, which is on the way to Queens. I had told my wife as we entered New York——

Mr. Kuntz: We object to that.

The Court: Yes. Don't tell us what you told your wife.

The Witness: I then proceeded on to Sobell's. When I got there, we had one child and we put the child to bed, I called Sobell aside and told him that I thought that I had been followed by one or two cars from Washington to New York. At this point he became very angry and said that I should not have come to the house under those circumstances. I told him that those were my plans. I had intended—I had planned to come to his house to stay; the fact that I was followed couldn't change it; whoever was following me would probably know about it; in any case it was our only destination. He was still angry and concerned. However, he didn't seem to believe that I had been followed. He told me I should leave the house, I should go to a place in the mountains perhaps, or some other place and stay. During the next interval I told him that it was not possible, I didn't know where to go; I just had no—nothing, I could see no other thing to do but to stay.

He finally agreed that I would stay. However, a short time later he came over to me and said he had some valuable

[fol. 354] information in the house, something that he should have given to Julius Rosenberg some time ago and had not done so; it was too valuable to be destroyed and yet too dangerous to keep around. He said he wanted to deliver it to Rosenberg that night. I told him it was foolish under the circumstances; that it was dangerous, it was a silly thing to do. However, he insisted and said that he was tired. He asked me to go along. He said he was tired, and that he might not be able to make the trip back. I agreed to go after argument, and we left the house. Upon leaving I saw him take what I identified then as a 35 millimeter film can.

No reference was made to it. He took it. When we got into the car he put it in the glove compartment. We drove—he drove over to Manhattan along the East Side Drive and he parked outside the Journal American Building. He left the car. He told me to park the car on the street around the corner, which I then noticed was Catherine Slip. He took this can out of the glove compartment and left and I drove up the street and down and parked facing the East River Drive on Catherine Street and waited for him there. He came back approximately a half hour later, or perhaps a little shorter, and as we drove off I turned to him and said, "Well, what does Julie think about this, my being followed?"

[fol. 355] He said "It is all right; don't be concerned about it; it is O.K." He then said Rosenberg had told him that he once talked to Elizabeth Bentley on the phone but he was pretty sure she didn't know who he was and therefore everything was all right. We proceeded back to the house.

Q. Just a moment. At that time was the name Elizabeth Bentley under discussion?

A. Well, it had been in the newspapers just prior to that time, and I knew——

The Court: Excuse me. Would Juror No. 2 like some water?

Juror No. 2: I would.

The Court: Would you give that juror some water, please. All right, proceed.

A. (Continuing:) —had been in the papers and I knew from the mention of the name to whom he was referring. She had been.

Q. Did you know what her activities were?

A. Well, she had just——

Mr. E. H. Bloch: I object to that as incompetent, irrelevant and immaterial, not within the issues of this case.

The Court: I will overrule it. She is going to be a witness [fol. 356] apparently, according to the witness list.

Mr. E. H. Bloch: I don't know what she is going to testify to.

The Court: Neither do I.

Mr. E. H. Bloch: In the present state of the record, it is my contention that these defendants are not bound by any of Miss Bentley's activities.

The Court: I can only take it subject to connection.

Mr. E. H. Bloch: All right. Exception is automatically noted—that is true, your Honor, in the Federal Courts, one doesn't have to take an exception after one makes an objection?

The Court: You don't have to make an exception, but you must make an objection.

Mr. E. H. Bloch: Once the objection is made, the exception is implied in the case of an adverse ruling.

The Court: That is right.

A. (Continuing) I knew from the papers that she had admitted to some—to being a part of an espionage ring, that is all. We drove back—he drove back and we discussed the point no further.

Q. Was there anything about some equipment that you noticed in Sobell's home, that you can tell us about?

A. Well, he had photographic equipment, enlarging; he [fol. 357] had a 35—a Leica camera, and an enlarger and material for processing film.

The Court: Who is this, Sobell?

The Witness: Sobell, yes.

Q. In your experience with Sobell, from your own work and from what you knew about his, is it accurate to say that material that you worked on in the Navy Department, that he worked on in the Navy Department, that he worked

on in General Electric, in Schenectady, and that both of you worked on in Reeves Instrument, was classified?

A. Yes.

Q. When was the last time that you saw Sobell?

A. Well, I believe it was sometime in June of 1950.

Q. Did you have any conversation with him at that time about any plans that he had?

A. Well, the last time I saw him he had said that I—I don't know whether he told me—I know the family was going to visit Washington to bring their daughter to visit Washington, and they left sometime before the week-end, and that is all I know of their plans.

Q. Did he say anything to you at that time about going to Mexico?

A. No.

Q. At that time, where were you living?

A. At this time, 164-18 72nd Avenue.

Q. Do you know where he lived?

A. Yes.

[fol. 358] Q. Where?

A. 164-17 73rd Avenue, which is——

Q. You lived close together?

A. —which is—our back yards abut.

Q. In the time that you worked with Sobell at Reeves Instrument Company, or at any time, did you ever see Sobell take any papers or documents?

A. Well, in the course of his duties, I did, as far as I know, I saw him take—he had a briefcase, and he did take things out of Reeves Instrument. I presume that they had to do with work. We had another installation at Roosevelt Field, Long Island, and he went there quite often, and I know that he did have a briefcase and he took material out, but what it was, or what the material was, I do not know.

Mr. Saypol: You may examine.

Cross-examination.

By Mr. E. H. Bloch:

Q. You are married, Mr. Elitcher?
A. Yes.
The Court: Speak up, please. I can hardly hear you.

Mr. E. H. Bloch: I am sorry.

Q. Are you married?
A. Yes.
Q. Have you any children?
A. Yes.
Q. How old are your children?
A. One is five and the other is 14 months.
Q. Now, when were you married?
A. In May of 1943.
[fol. 359] Q. Where did you marry?
A. In Washington.
Q. What year?
A. 1943.
Q. 1943?
A. Yes.
Q. Now, when you attended CCNY, did you attend the Engineering School?
A. Yes.
Q. And were the classes in that school in one building, in one building alone?
A. The engineering classes were held in one building.
Q. By and large, is it fair to say that most of the student body who took the same courses that you did, looking toward a degree in electrical engineering, concentrated mainly in the engineering building?
A. Yes, sir.
Q. And that building is separate and apart from the other buildings up at CCNY campus, is that true?
A. Yes.
Q. Now, how many students at CCNY, during the course of your college days, did you become friendly with?
A. Well, I became very friendly with few, if any. I knew all the members of the class. I had almost no social relations with them. I think I saw one or two perhaps out-

side of the school, perhaps only on one or two occasions only. I think I knew them all almost equally well, the ones in the electrical engineering, of those going for a degree in electrical engineering, probably the best.

[fol. 360] Q. And some of your classes also contained students who were not in the class in which you were graduated; isn't that correct?

A. Yes.

Q. How many students in all would you say you knew——

Mr. E. H. Bloch: I withdraw that.

Q. How many students in all would you say attended the engineering classes, in the engineering building at CCNY, during the years of your college days?

A. Total number?

Q. Yes.

A. Might have been 150, 200.

Q. That is, in your class alone?

A. Oh, no; I was thinking—yes, about that, in my class of '38.

Q. And together with the other students from the class of 1939 or the class of 1937 or the class of 1940, there were many hundreds of students?

Mr. Saypol: There is no reference to——

Q. Who attended school with you; is that correct?

Mr. Saypol: Did counsel say 1940?

Mr. E. H. Bloch: I said, the class of 1940.

The Witness: Would you repeat the question?

Q. That is a fair statement, isn't it ,there were hundreds of students with whom you attended classes together?

A. Yes.

Q. And to whom you at times spoke?

A. Yes.

Q. And you didn't consider these people your friends; [fol. 361] they were just casual students, who were engaged in common studies with you; is that correct?

A. That is correct.

Q. And, is it not a fact that the defendant Julius Rosenberg came within that type of student, whom you met quite casually during your college days?

A. Yes, sir.

Q. Now, when were you graduated from college?

A. My actual graduation took place in June of 1938.

Q. And up to June of 1938 you were a resident of the City of New York?

A. Yes.

Q. How long after June, 1938, did you depart for Washington, D. C.?

A. I departed in November of that year.

Q. During the period from June, 1938 to September of 1938, were you working in New York?

A. No.

Q. Were you unemployed?

A. Yes.

Q. Were you looking for a job?

A. No.

Q. You mean, you took a voluntary vacation?

A. No, I was going to school.

Q. You were going to school and were you attending classes?

A. At City College.

Q. Was that some kind of a post-graduate course?

A. Yes.

Q. Was Julius Rosenberg in the class or the classes which you attended during the period from June, 1938, [fol. 362] to September, 1938?

A. Would you repeat that again? I am sorry, I didn't get the dates.

Mr. E. H. Bloch: I think the reporter has them.

(Question read by reporter.)

A. I don't recall.

Q. In fact, Julius Rosenberg was merely a vague person in your mind, at least during your college days; isn't that correct?

A Yes.

Q. You never met him socially during your college days, did you?

A. That is correct.

Q. You did not?

A. No.

Q. And you did not meet him socially during the period from June, 1938 to September, 1938, when you took these post graduate courses in CCNY; is that correct?

A. That is correct.

Q. Now then, you left for Washington; is that correct?

A. Yes.

Q. Did you make application to the Federal Government for employment prior to September, 1938, or did you wait until you reached Washington before you made formal application to receive a position with the Federal Government?

A. Well, in June, 1938, I took an examination for the position of junior engineer and I was appointed to that position when I left New York.

Q. Where did you take that examination?

[fol. 363] A. In New York.

Q. Prior to the time that you took that examination, did you fill out a form 57.

A. Yes.

Q. You know what a form 57 is?

A. Yes.

Q. Just for the clarification of the jury, is it not true that that is the form that is required of all Federal employees or prospective Federal employees or persons who seek Federal employment?

A. Yes.

Q. Is that correct?

A. Yes.

Q. And it is rule and regulation and it is a prerequisite that before you get a position with the Federal Government you must fill out a form 57?

A. That is correct.

Mr. Saypol: I don't know whether the witness knows it, but it is an application for Federal employment.

The Witness: I know that.

Mr. E. H. Bloch: That is correct; that is the only purpose of these questions, to clarify what a form 57 means.

Q. Now, in connection with that application, you were required to answer certain questions?

A. Yes.

Q. Is that correct?
A. Yes.
Q. About your background?
A. Yes.
Q. And whether or not you belonged to certain organizations?
A. Well, I don't remember the exact question that was [fol. 364] asked on the Form 57, but it is one of such a nature.
Q. In June 1938 were you a member of the Communist Party?
A. I was not.
Q. At any rate, you filled out that application?
A. Yes.
Q. Now, where were you stationed when you received your original appointment with the Federal Government, in September, 1938?
A. I was here, in New York.
Q. No, after you received your appointment?
A. Where was I stationed?
Q. Yes.
A. In Washington, D. C.
Q. In the District proper?
A. In the District proper.
Q. And could you tell us the specific location of the building at which you worked?
A. It is at 17th and Constitution Avenue, N. W. It is called "The Navy Building."
Q. Is that the main Navy Building?
A. The main Navy Building.
Q. They had no temporary barracks at that time, which sometimes were utilized from time to time by the Government for Federal employees?
A. I don't believe that in 1938 there were such temporary buildings.
Q. How long did you continue working at that location? [fol. 365] A. Until October of 1948.
Q. Always at that same spot.
A. Yes.
Q. Now, have you told the Court and jury about all your meetings with Julius Rosenberg in Washington and New York or any other place?

A. To my knowledge, yes.

Q. You have gone over your story?

A. Yes.

Q. Before you came into this court, have you not?

A. I have told the story, yes.

Q. How many times have you gone over this story with others?

A. With others?

Q. Yes?

A. Well, I have talked to the FBI on many occasions.

Q. How many occasions?

A. I don't know; it is quite frequent.

Q. And when was the first time that you spoke to the FBI?

A. In—it was July of 1950.

Q. Did you speak to the FBI prior to the time that you were subpoenaed as a witness before the grand jury here, sitting in the Southern District of New York?

A. Yes.

Q. Did you go to the FBI voluntarily?

A. Well, no.

Q. Did they come to you?

A. Yes.

Q. They came to you down in Washington?

A. No, that was here.

[fol. 366] Q. I am sorry, in Flushing?

A. No, it was at my place of business.

Q. Do you remember the exact date when representatives of the FBI came to see you at your place of employment?

A. The date, no, I do not.

Q. You don't remember that? That was done recently?

A. Yes.

Q. You do remember, however, precisely when Rosenberg is alleged to have talked to you the first time in Washington?

Q. That you do remember?

A. Yes.

A. Yes.

Q. Now, did you speak to any others besides the FBI about the story that you have recounted here this morning?

A. Yes, in the past week I have talked to the attorney's office.

Q. When you say "the attorney's office," you mean the staff of Mr. Saypol?

A. Yes.

Q. Did you speak to Mr. Saypol?

A. Yes.

Q. Did you go over your story with him?

A. Yes.

Q. He asked you a lot of questions?

A. Yes.

Q. And you gave answers?

A. Yes.

Q. Was there anybody of Mr. Saypol's staff with whom you went over this story?

A. Yes.

Q. Will you name the person or persons with whom [fol. 367] you went over your testimony, in preparing for this trial?

A. Well, I have talked to Mr. Kilsheimer or Kilshermer, and Mr. Cohn.

Q. Two of the gentlemen who are sitting with Mr. Saypol at the front table there?

A. Yes.

Q. Did you go over the story with any other representative of the United States Government, at any time?

A. Yes.

Q. With whom?

A. I have talked with Mr. Lane.

Q. When?

A. Well, this was some time ago.

Q. Well, tell us when.

A. Well, I have talked to him on more than one occasion.

Q. When was the first occasion you talked to him?

A. The first time would be sometime late in 1950. I was talking to the FBI and then I was asked to—well, at the time of the grand jury, I saw him before the grand jury testimony, before I testified before the grand jury, and there was one other occasion, on which he asked me questions about the testimony after that.

Q. Now, in the course of going over the testimony you

were to give at this trial, did you discuss these matters with various members of Mr. Saypol's staff, as well as Mr. Saypol, in this building?

A. Well, I talked to members of Mr. Lane's office. I don't know——

Q. Well, Mr. Lane and Mr. Saypol are, of course, parts [fol. 368] of the same organization, Mr. Saypol being the chief here.

A. Yes, I did.

Q. And only in this building?

A. Well, I talked to the FBI at my home.

Q. No, no, we will come to the FBI. I am just asking about Mr. Saypol and his staff?

A. Yes, in this building.

Q. Always in this building?

A. Yes.

Q. And when you spoke to them were stenographers present?

A. Yes.

Q. On how many occasions?

A. Well, I spoke to Mr. Saypol, on, I believe, three occasions, and prior to that I had spoken to Mr. Kilsheimer. Now, I had also spoken to Mr. Lane prior to that time, about two, possibly three times, which times stenographers were present, and I talked to Mr.—no, I think that was all.

Q. Now, outside of the conversations that you said you had within the last week or so with members of Mr. Saypol's staff, did you have conversations with members of Mr. Saypol's staff prior to hte time that you appeared as a witness before the grand jury?

A. Yes.

Q. Sitting in this District?

A. Yes, I spoke to Mr. Lane.

Q. Do you remember when you testified, if you did——

Mr. Bloch: I withdraw that.

[fol. 369] Q. Did you testify before the grand jury, sitting in this District?

A. Yes.

Q. And do you remember when that was?

A. In August of 1950.

Q. And there was of course a stenographer present at that time?

A. Yes.

Q. Do you remember the attorney representing Mr. Saypol's office who queried you while you were testifying before the grand jury?

A. Yes.

Q. What is his name?

A. Mr. Lane.

Q. Did you make any written statements, either to any members of the FBI, who questioned you, or to Mr. Saypol, or any members of the staff?

A. Yes.

Q. On how many occasions?

A. Three.

The Court: I don't think that is clear. When you say, "Did you make written statements," you mean was a statement taken down in question and answer form, or did he submit a statement in writing?

Mr. E. H. Bloch: I agree with your Honor. I will clarify it.

Q. Did you sign any statement?

A. Yes.

Q. And you put your signature down on statements how many times?

A. Three times.

Q. Tell us the dates when you signed statements for the District Attorney's office or for the FBI.

[fol. 370] A. Well, the date they visited me, they came to see me at Reeves and took me down.

Q. That was in June, 1950?

A. July, I believe it was.

Q. Don't you know whether it was June or July?

A. It was July.

Q. You are sure of that now?

A. Yes.

Q. You are sure it was after the July 4th weekend?

A. Yes.

Q. Was it in the middle of July?

A. I could identify the time.

Q. I would like you to identify the time, please. Just state your recollection.

A. I would say it was the middle of July.

Q. You would say it was the middle of July; do you remember what day of the week it was?

A. I think it was just before the weekend. I believe it was a Thursday.

Q. Are you sure of that?

A. Yes.

Q. Now, the first time that you were queried by the FBI, you say you were queried in the office of your employer?

A. No, here, in this building.

Q. Oh, I see, the FBI came up to your place of employment and invited you to come down to the Federal Building here for questioning; is that correct?

A. That is correct.

[fol. 371] Q. About what time of the day did they come?

A. They came before lunch.

Q. Before 12 o'clock?

A. That is right.

Q. Who were the members of the FBI who came up to your place and asked you to come down for questioning?

A. Mr. Cahill and Mr. O'Brien.

Q. I didn't get the first name?

A. Cahill, C-a-h-i-l-l.

Q. Did you accompany them down to this building?

A. Yes, I did.

[fol. 372] Q. Where did you go when you got here?

A. To the 29th floor.

Q. Was the stenographer present?

A. No.

Q. Were you asked questions by both of these gentlemen?

A. Yes.

Q. Were you asked questions by anybody else?

A. No.

Q. Besides these two FBI representatives?

A. No.

Q. And while you were being asked questions, did these FBI representatives take notes?

A. Well, they didn't take continuous notes; they recorded pieces of the conversation.

Q. They had pieces of paper in front of them?

A. Yes.

Q. And from time to time you would notice that they were writing?

A. Yes.

Q. As you went along with certain aspects of your story; is that right?

A. Yes.

Q. Did you notice what they were writing?

A. No, I did not.

Q. Do you know whether or not what they wrote fairly represented what you said at that time?

Mr. Saypol: I object to that. If the witness said he didn't know what they were writing, how can he answer [fol. 373] that?

The Court: Sustained.

Mr. E. H. Bloch: I will withdraw it.

Q. Now, how long did you stay in that building, when you were—in this building, when you were first brought down for questioning by Mr. Cahill and Mr. O'Brien?

A. I stayed until after lunch, about 2:30, 3 o'clock.

Q. And did they ask you, amongst other things, about your knowledge of Julius Rosenberg?

A. Yes.

Q. Did they ask you whether you knew Morton Sobell?

A. Yes.

Q. Did they go into some detail about your possible connections with these gentlemen?

A. Yes.

Q. How long would you say you were subjected to questioning continuously from these two FBI agents on that day?

A. I would say three to four hours.

Q. Did you tell them substantially the same story that you are telling in court today?

A. Yes, I did.

Q. Did you discuss this case with anybody outside of Government officials?

A. I did not.

Q. Did you ever hire a lawyer to represent you?

A. Yes, I did.

Q. When did you hire him?

A. It was about a week after the first meeting with the [fol. 374] FBI.

Q. Who was the lawyer?

A. Mr. Fabricant.

Q. Herbert Fabricant?

A. That is correct.

Q. Of 401 Broadway?

A. I believe that is the address.

Q. And he is a partner of O. John Rogge?

A. That is correct.

Q. And do you know the other members of the firm?

A. I know a Mr. Goldman.

Q. Robert Goldman?

A. Goldman, Fabricant, Rogge.

Q. Do you know Murray Gordon?

A. Gordon. There were four names.

Q. Does that refresh your recollection as to who the members of that firm are?

A. Yes.

Q. Do you see any of them in court now?

A. There is Mr. Fabricant (pointing).

Mr. E. H. Bloch: Identifying Mr. Fabricant.

Q. Did you see him in court when you came in this morning?

A. I saw him this morning, not in the court, no. I didn't see him in the courtroom here.

Q. Did you see him before you went on the stand?

A. Yes.

Q. Where did you talk to him?

A. In a room outside.

Q. Did you pay the Rogge firm any fee?

A. Yes, I did.

[fol. 375] Q. Were you afraid of anything that you hired a lawyer? Were you afraid of any crime that you may have committed, that you hired a lawyer?

A. Well, I thought this was an important enough——

Mr. Saypol: Just a moment. Lawyers are hired for other purposes besides in connection with crimes.

The Court: Objection overruled. Answer the question.

A. (Continuing) Well, I knew this was an important enough thing, that I might need legal advice. I talked—I engaged the lawyers after I had spoken and given my story to the FBI, and not under his advice.

Q. Your conscience was clear, wasn't it, after you had told the story to the FBI?

A. Yes, it was.

Q. You didn't consider you did anything wrong, did you?

A. I wouldn't say that.

Q. Well, did you do——

Mr. E. H. Bloch: I withdraw that.

Q. Did you pass any information, secret, classified, confidential or otherwise, of the Government of the United States, to the defendant Julius Rosenberg, at any time?

A. I did not.

Q. Well, did you have in your mind what particular crime you may have committed when you went to a lawyer? [fol. 376] A. Well, I know I had discussed a matter concenring the transfer of such material and I knew that that was not legal, it was not a legal matter.

Q. As a matter of fact, from your own story on direct examination, you rejected all overtures on the part of anybody to try to enlist you in stealing information from the Government; isn't that correct?

A. Well, I didn't reject them. I went along. I never turned over material, but I was part of it, I mean, it was part of the—I was part of discussions concerning it until 1948.

Q. Did you at any time tell Rosenberg that you were not interested in turning over any material to him?

A. I did not.

Q. Did you at any time tell him that you would turn over material to him?

A. Well, I said that I might and I didn't say I would not turn over information, I said that I might.

Q. You didn't though?

A. I did not.

Q. And your actions are what you meant to convey to him as speaking louder than your words, isn't that right, during the entire period from 1944 to 1948?

A. My words were speaking — than my actions.

Q. Well, your actions indicated—at least they do now—that you did not turn over any material?

[fol. 377] A. That is correct.

Q. And don't you consider that that was your answer to any overtures that were made to you?

A. I am sorry, but I don't understand the question.

The Court: Neither do I.

Mr. E. H. Bloch: All right, let me clarify it.

Q. You testified that at various times you were asked to turn over certain confidential information?

A. Yes.

Q. And you never did turn over that confidential information, did you?

A. That is correct.

Q. None whatsoever?

A. That is correct.

Q. Now, as the years went by, right from 1944 through 1948, didn't you have in your mind to say to the Rosenbergs, to Mr. Rosenberg or to Mr. Sobell, "Look, I am not giving you any information. Get wise to yourself, I don't want to do it"?

A. I wouldn't say that.

Q. You wouldn't say that?

A. No.

Q. Let me ask you: Did you ever sign a loyalty oath for the Federal Government?

A. I did.

Q. When?

A. I think it was sometime in 1947. I don't remember the time or the time of year.

Q. Do you know what that oath provided?

A. What do you mean, as a penalty or as just——

[fol. 378] Q. No, do you know the contents of the oath you signed and swore to?

A. Not completely, not right now, no.

Q. Did you know it at that time?

A. I know generally what it referred to, but I don't know the specific wording.

Q. In substance?

A. In substance, I know.

Q. What do you think you signed?

A. I signed a statement, saying that I was not or had not been a member of an organization that was dedicated to overthrow of the Government by force and violence. I don't remember whether the statement specifically mentioned the Communist Party or not, but at least it said I was not a member of an organization that believed in the overthrow of the Government by force and violence.

Q. At the time you verified that oath, did you believe that you were lying when you concealed your membership in the Communist Party?

A. Yes, I did.

Q. So you have lied under oath?

A. Yes.

Q. Were you worried about it?

A. Yes.

Q. Were you worried about it in 1946?

A. I think I was always worried about it.

Q. And you were worried about it in 1947?

A. Yes.

Q. And were you worried about it in 1948?

[fol. 379] A. Yes.

Q. Did there come a time when you had intimations that you were under investigation by the Federal Government, concerning your membership in the Communist Party?

A. Well, the only intimation I had actually was that question of my being followed to New York, I do know that. I believe it was my mother who was asked some questions by the FBI. I had no idea whether it was routine or as a result of the loyalty oath, but I did not know of any investigation regarding that matter.

Q. Well, you know, or don't you, that when a Federal employee takes service in the Federal Government he either is investigated before he is appointed or, as in the past years, he is investigated almost immediately upon his employment; do you know that?

A. Yes, immediately or some time later.

Q. And you understood that to be the practice?

A. Yes.

Q. So that when your mother was being queried about you, didn't you have an understanding that the FBI or some other Government agency was inquiring about your political affiliations?

A. No, not necessarily.

Q. It didn't enter your mind?

A. Oh, yes, but it wasn't a conclusion on my part, because I know that many people whom I knew or thought were not members of any such organization were also [fol. 380] investigated, so this, to me, was either routine or connected with that.

Q. Well, didn't you know that only suspects were investigated?

A. I wouldn't say that, no.

Q. You don't believe that to be the case?

A. I don't believe that to be the case.

Q. Did you hear from any of your friends or from anybody outside of your mother that queries were being made about you in 1948?

A. No, I don't recall any such statements.

Q. At any rate, you were fearful, were you not, that the Government might find out that you were a member of the Communist Party?

A. Yes.

Q. And you were also fearful about the oath that you had taken?

A. Yes.

Q. Which was an absolute lie and perjurious; isn't that correct?

A. I knew the oath, yes.

Q. You also knew that you were guilty of perjury, did you not?

A. Well——

Mr. Saypol: It would seem to me that that might follow on some formal procedure. It is not for this witness to answer.

The Court: Well, he can ask him whether he knew. If he doesn't know what perjury is or doesn't know the legal technicalities, he will simply answer it.

[fol. 381] A. (Continuing) Yes, that was what my answer was going to be. I didn't realize it was perjury as such. I knew I was lying under an oath.

Q. Did you follow the Carl Marzani case?
A. I beg your pardon?

The Court: I didn't hear the case.

Mr. Saypol: That is objected to.
Q. Did you follow the Carl Marzani case?

The Court: I will overrule the objection.
Did you follow it?

A. I knew of it. I didn't follow it.
Q. The papers already had printed about the fact that there was a Government employee who was being prosecuted for perjury, for giving false statements to the Government; isn't that right? Did you so understand it?

Mr. Saypol: I object to the question as to form. It is inaccurate.
The Court: I will overrule the objection.
Is that the fact or isn't it the fact?
The Witness: Well, it was something like that.
Mr. Saypol: Just a moment, please. May I press my objection. That is not the fact as a matter of law.
The Court: I overrule your objection. I am going to ask him whether he knows or doesn't know.
[fol. 382] The Witness: I know that the case involved his membership as being a Government employee and being a member of the Communist party.
The Court: But you do not know the details?
The Witness: I do not know the exact details, no, sir.

Q. At any rate, would the publicizing of that case have any bearing upon your fear, which you say you had since 1948, at the time you signed the loyalty oath?
A. No.
Q. Didn't intensify your fear at all?
A. I don't——

The Court: He has answered it. Let's get on.
Mr. E. H. Bloch: I would just like to press him on it, if I may.

The Court: Did it intensify your fear?
The Witness: I don't think so, no.

Q. You don't think it had any effect?
A. It didn't have any intensification.
Q. Were you also aware that the Government of the United States was making more intensive investigations than they had ever made before, concerning the political affiliations of Government employees?
A. Yes.
Q. Did that intensify your fear?
A. Well, actually not. My fears were of that nature and [fol. 383]this didn't intensify it to any greater extent.
Q. Would you say that your fear was a great one?
A. No—that is hard to define.
Q. Was it a little one?
A. I don't know how to define my fear.
Q. You can't evaluate it?

The Court: Did you have a fear?
The Witness: Yes, I knew that I had done this thing and I thought it might be determined by authorities.

Q. As a matter of fact, didn't you leave the Government Service to try to get a job in private industry because you were afraid that you might be prosecuted for perjury, because of the false oath that you gave the Government?
A. Well, that is jumping a step. One of the reasons for leaving was the fact that such and such investigations were being performed and I didn't like the political atmosphere, therefore, in Washington, but it had nothing—I mean, there was no specific thing I knew that more intensive investigations were being carried on, which made it more likely that it would be best that I do leave. That was not the entire reason for my leaving.
Q. But would you say that was one of the substantial reasons, amongst others, for your leaving the Government?
A. I could say, yes.
Q. Now, when you were interrogated by the FBI for the [fol. 384] first time, as you say, in June, 1950, did that fear of prosecution persist in your mind?
A. Yes, I realized what the implications might be.

Q. You felt that the Government had something over you, didn't you?

A. I couldn't tell; I thought, yes perhaps.

Q. But that entered your mind, didn't it?

A. Yes.

Q. And was that one of the considerations which impelled you to tell the story that you told to the FBI men in June, 1950?

Mr. Bloch: July.

Q. July, I beg your pardon. Whenever I referred to June recently in these last two or three minutes, I meant July, 1950?

A. Well, partly yes, I felt that I had this information, I had performed these activities: I didn't know what information the FBI had; I had no idea. However, I felt that I didn't want to fight the case; I didn't feel that it was my duty to. I hadn't approached the FBI in advance, because I felt that there were implications to even my bringing up the subject. However, when they came to me, I, after a short talk, I freely told them of the story, and since I felt that there might be no reason to hide it, as they might know about it anyway, however, I felt that the only course I [fol. 385] could take was to tell the complete story, which I did.

Q. It wasn't out of any sense of patriotism that you told the FBI the story?

A. Well, in a sense, yes.

Q. You just told us that the fear that you had did have something to do with your telling that story?

A. Yes, but I felt——

Q. It was to save your own skin, wasn't it?

A. No, because I didn't know what would happen.

Q. Didn't you want to ingratiate yourself with the FBI and the authorities?

The Court: Wait a minute, wait a minute. You are asking a lot of questions and this witness doesn't get a chance to answer. Let's answer the first question about saving your own skin.

A. No, because I didn't know what would happen to my skin even when I told the story; I had no idea of what would

happen to me the next minute or hours, so why—the question wasn't raised and I knew of nothing I was doing that would save my skin.

Q. Is that the reason you went to Mr. Rogge or Mr. Fabricant?

A. I knew that I would need legal advice. I had already told the story.

Q. Did the representatives of the FBI, at the time they questioned you for the first time in June, 1950, say any-
[fol. 386] thing about the fact—July, 1950—say anything about the fact that you had signed a loyalty oath?

A. I don't recall that specific question.

Q. Would you say that they didn't?

A. No.

Q. They may have?

A. They may have, yes.

Q. Did they say to you that they either knew or suspected that they knew you were a member of the Communist Party?

A. Yes.

Q. Did they say to you, either in specific words or by some suggestion or intimation, that you could be prosecuted for perjuring yourself by giving a false loyalty oath to the Government?

A. No.

Q. You understood, however, did you not, that that was a present danger at the time you were interrogated by these two FBI agents?

A. Yes.

Q. Now, tell us just what these FBI men told you that first time in July, 1950, about what they had on you, as to being a Communist or anything concerning an oath; just that general subject matter?

A. Well, they told me nothing. They did say that they thought they had reliable information to the effect that I was a member of the Communist Party. They also told me they had information to the effect that I had given material for purposes of espionage, but they mentioned nothing
[fol. 387] as to what such information might be, in any way.

Q. Now, when you came down to this Federal Building

with these two FBI men for the first time in July, 1950, did you come down by automobile?

A. Yes.

Q. In the car that was driven by one of the FBI men?

A. Yes.

Q. Just three of you came down?

A. That is correct.

Q. And did you have any conversation with them in the automobile?

A. Regarding this matter?

Q. Regarding the matter that you were going to be questioned about?

A. No, only that I said, "Well, what is this all about?" And they said that it was a very serious matter and that I might be of help to them, period.

Q. Is that all they told you?

A. That is all.

Q. Before you got to this building, was the name Rosenberg mentioned at all?

A. No.

Q. Was the name Sobell mentioned at all?

A. No.

Q. Now, when you got to this building, you say you went up to the 26th floor?

A. 29th.

Q. 29th floor, and were you then given a seat?

A. Well, we went into a small office.

[fol. 388] Q. Private office?

A. A private office.

Q. Now, on the 29th floor, did you notice a lot of desks, one behind each other, running quite same distance; did you notice that?

A. No, I did not.

Q. You were ushered immediately into a private office; is that correct?

A. Yes.

Q. Was there a table there?

A. Yes.

Q. How many chairs were there?

A. Well, there was more than one table. There were at least two. I think they were one next to the other, and

there were two, three—there were at least three chairs next to them, and some cabinets.

Q. Did these two FBI representatives then sit down at one of the tables?

A. We all sat around the tables.

Q. Was there anybody else in the room when they began to query you?

A. No.

Q. Did anybody come in the room during the approximately three hours, three and a half hours, while you were being questioned, from noon to about 3 or 3:30 that day, in the middle of July, 1950?

A. Well, someone brought in sandwiches; a few people looked in. I don't believe that anyone came in, other than the two agents, and on some occasions, periods, one or the other went out of the room.

[fol. 389] Q. Now, who spoke first after you got into that room?

A. I don't remember which it was.

The Court: Aren't you, Mr. Bloch, spending an unusual long time on this subject?

Mr. E. H. Bloch: I don't think so, your Honor.

The Court: I want you to go ahead and exhaust it, but not—I think you are going into the minutest detail on this question. You are trying now to establish a motive on his part for telling this story.

Mr. E. H. Bloch: That is correct.

The Court: I believe that you are going into too much detail, as to who spoke first, and things of that character.

Mr. E. H. Bloch: I wasn't going to bore the jury with every minute detail of what happened during those three hours, but I have got something in mind, your Honor. Otherwise, I assure you that I wouldn't be asking these questions.

The Court: Well, will you bear in mind what I have said, and I trust to your good judgment that you will expedite this particular phase of your examination.

Mr. E. H. Bloch: I certainly will, and thank you very much.

Q. You didn't speak first, did you?

A. I don't believe so.

[fol. 390] Q. Well, what was the first thing that was said by one of the FBI agents when they began to ask you questions?

A. Well, the first things they brought up was the fact that they brought me down to discuss with me the question of espionage against the United States Government; that they had information that I was involved in such an espionage, and——

Q. When—I am sorry, I beg your pardon.

A. (Continuing) I said to them, I was not. I assume that they were referring to Rosenberg; and they didn't say yes and they didn't say no, and they continued to ask me questions.

Q. So one of the first things that you said to the FBI agents was that you were not in espionage?

A. That is correct.

Q. That you were not engaged in espionage at any time; is that correct?

A. That is correct.

Q. When was the question of your Communist Party affiliation brought up?

A. It was some time later, I would say, maybe half to three-quarters of the way through our questioning, their questioning.

Q. And when was the question of your loyalty oath brought up?

A. Well, I don't remember that they specifically mentioned the loyalty oath at all. I didn't say they did.

[fol. 391] Q. Now, you have testified this morning for a number of hours. Did you tell those FBI agents at that time everything that you have told us here this morning?

A. Well, all that I could remember at the time, yes.

Q. Were you asked when Rosenberg met with you?

A. Yes.

Q. And did you tell those FBI agents at that time that Rosenberg met with you in Washington, in June, 1944?

A. No, I did not.

Q. Now, you testified that you were approached—at least you testified on direct—that you were approached by Rosenberg for the first time in June, 1944, at your home, to become interested in espionage; right?

A. That is correct.

Q. Were you shocked when you were asked that?

A. When I was asked——

Q. Yes or no?

A. Yes.

Q. And did that incident stick in your mind since that time?

A. The incident, yes.

Q. Did the date stick in your mind?

A. No.

Q. Did the year stick in your mind?

A. Not the year particularly, no.

Q. When did you first refresh your recollection that it was round D-Day in 1944?

A. Well, in continuing to think about that first meeting [fol. 391a] in attempting to tie the date down, I at first said to the FBI that it occurred a relatively short time after I had moved into the apartment, which was in about September of 1943. I had told them that it was not a few months after—I at the moment did not recall. However, upon later recollection, I recall a particular incident that occurred during Mr. Rosenberg's visit, things that were said, which would tie the date down.

[fol. 392] Q. Just to recapitulate for a moment, if I may. You told the FBI agent at that July, 1950 interview that Rosenberg came to visit you for the first time and tried to interest you in espionage a few months after you moved into your apartment, which was September, 1943?

A. That is correct.

Q. Do you know how many months had elapsed between September and June of the following year?

A. Yes, I do.

Q. About nine?

A. Yes.

Q. You didn't tell him that?

A. Well, I told him——

Q. It was a few months?

A. I told him it was later. It wasn't during the first period that we had been in the apartment. I was trying to recall it in terms of the beginning of the apartment and

that was my first reaction in attempting to remember the time. There were other factors I recalled later.

Q. At any rate, you didn't mention the year 1944 at all, did you?

A. Oh, I said it was either late 1943 or 1944.

Q. Early 1944?

A. Early, possibly. It was the apartment I recalled.

Q. Well, late 1944 is not June 1944, is it?

A. No.

Q. At least that is one incident we find out where there is some variation between what you told the FBI agent at that time and what you told here in court.

[fol. 393] Mr. Saypol: I object to that because on the contrary, the witness's testimony is substantially to the same effect.

Mr. E. H. Bloch: Well, you know what I am laying the basis for, your Honor.

The Court: Yes.

Mr. E. H. Bloch: I have to convince your Honor about certain things before I ask for the production of certain documents and I am trying to do that.

The Court: I don't think you have done it yet.

Mr. E. H. Bloch: Pardon me?

The Court: I don't think you have done it yet.

Mr. E. H. Bloch: I am certainly trying to do it and that is the reason I am trying to be as precise as I can.

Q. Do you know whether or not the Rosenbergs ever lived in Washington, D. C.?

A. I don't know. I don't know of it.

Q. You have a brother? Have you a brother?

A. I have a brother, yes.

Q. What is his name?

A. Louis.

Q. Did he live in Washington at any time?

A. No.

Q. Did he ever visit you in Washington at any time?

A. No. May I amplify? I have another brother. I had one who died in——

[fol. 394] Q. I am sorry, I beg your pardon. At any rate, did you have a deceased brother who lived in Washington?

A. He did not.

Q. Did you have a deceased brother who visited you in Washington in the year 1940?

A. I believe he did.

Q. Now, did you ever go to any swimming pools in Washington during the hot season?

A. Well, yes.

Q. Have you a recollection of meeting Julius Rosenberg and his wife, Ethel Rosenberg, at a swimming pool in Washington in the summer of 1940?

A. I do not.

Q. It doesn't mean a thing to you?

A. No.

Mr. E. H. Bloch: Will you bear with me for one second, your Honor. I wonder whether the Court would declare a recess now?

The Court: All right. We will take our afternoon recess at this point.

(Short recess.)

Q. Incidentally, you are the sole support of your wife and two children, isn't that correct?

A. That is correct.

Q. And you have always——

The Court: I can't hear you, Mr. Bloch.

Mr. E. H. Bloch: I am sorry, your Honor.

Q. You are the sole support of your wife and two children?

A. That is correct.

[fol. 395] Q. And you were in 1948?

A. Yes.

Q. And in 1947?

A. Yes.

Q. And in 1946?

A. Well, my wife worked——

Q. Until——

A. She worked in 1947 for a while.

Q. Since then she hasn't worked?

A. No.

Q. And has not been gainfully employed?

A. That is right.

Q. And that was true in 1950, isn't that right?

A. Yes.

Q. And that is true today?

A. Yes.

Q. Now, when you were first brought down for questioning by the two FBI agents, you mentioned, in or about the middle of July, 1950, do you remember whether Julius Rosenberg had already been arrested?

A. I think he was, yes.

Q. Would that refresh your recollection as to precisely when you were brought down here?

A. Well, I know the approximate date because our plant went on vacation soon after that. I think they went the first two weeks in August, and this occurred just prior to that.

Q. I am sorry, I didn't get that.

A. The plant at which I worked went on vacation, I believe it was the first two weeks in August, and this meeting with the FBI took place just prior to that.

Q. And after the arrest of Julius Rosenberg?

[fol. 396] A. Yes.

Q. And you had read about this case even before the arrest of Julius Rosenberg, had you not?

A. Which case?

Q. This case, the case that we are in court about.

A. Yes, I read it.

Q. Do you remember reading that David Greenglass had been arrested?

A. Yes.

Q. A month before?

A. Yes.

Q. Now, after the interview, I am talking about the first interview, were you fearful that you might be prosecuted by the Government of the United States for perjury?

A. Yes.

Q. And did you want to clarify your thinking on that point by getting the advice of a lawyer?

A. No.

Q. Now, when for the first time did you see a member

of the John O. Rogge firm? I believe you said it was Herbert Fabricant?

A. I would say about a week after the first interrogation.

Q. Did you know at that time either by reading in the newspapers or through some other media of communication that the John O. Rogge firm represented David Greenglass?

A. I did not.

Q. But you know it now?

A. Yes, I do.

Q. When did you find that out?

A. The day I went to see the firm I was told by the [fol. 397] lawyers that they were in that position.

Q. I am sorry. How many times in all did you go down to consult with one or more of the partners in the Rogge firm?

A. Well, I saw them that first day we went down. I went there maybe about two more times. I don't recall. I went down a short time after that, and one other occasion when I was coming here to testify before the grand jury. I went down to see them and we went over to the court house together.

Q. Did you go over your story with your lawyers at that time?

A. Yes.

Q. Did you tell them anything about having taken a loyalty oath?

A. Yes.

Q. You did?

A. Yes.

Q. At the first conference?

A. Yes.

Q. And were you given advice about the legal consequences of having falsely sworn to the Government of the United States?

A. No. They just told me that I had committed perjury. I didn't ask them—I knew that there were—what the approximate penalties were from reading the cases but we didn't discuss the matter.

Q. What cases did you read?

A. Some of the perjury cases.

Q. What ones?

A. Well, the testimony before commitees of Congress, [fol. 398] for instance, where perjury was involved. I don't remember any specific one actually.

Q. You know that entailed a jail sentence?

A. Yes.

Q. Have you ever been arrested for perjury?

A. I have not.

Q. Have you ever been indicted for perjury?

A. I have not.

Q. And you have never been convicted of perjury?

A. No.

Q. Did Mr. Rogge or any of the members of his firm come over with you to this building to confer with any representatives of the United States Government at any time?

A. Yes.

Q. When?

A. Well, actually they didn't come over to confer. I was called by Mr. Lane's office prior to the grand jury appearance and I asked whether my lawyer could come along. He did come and stay for part of the questioning.

Q. Was that the only time a member of that firm came over with you?

A. No. He came over I think on another similar occasion when they were questioning me, when Mr. Lane's office was questioning me.

Q. Do you remember when Mr. Lane questioned you?

A. Well, it was—I could perhaps think about it.

Q. Well, please think about it. That was only last year, [fol. 399] wasn't it?

A. Yes, it was—the grand jury was sometime in August of 1950.

Q. And you considered that an important occasion, didn't you?

A. Yes.

Q. You can't tell us when?

A. The grand jury?

Q. No. When you were questioned by Mr. Lane?

A. Just prior to the appearance at the grand jury.

Q. Well, now, give us your best recollection of when it was?

A. It was——

Q. I am sorry, you looked at me quizzically. So I didn't know whether that meant——

A. It was in the second week of August. It was after the vacation or during—it was still during my vacation, that period, that I appeared before the grand jury.

Q. Did you go out of town for vacation?

A. Yes.

Q. In 1950?

A. Yes.

Q. With your wife and children?

A. Yes.

Q. Was that after you had consulted the Rogge firm?

A. Yes.

Q. And prior to the time that you appeared before the grand jury?

A. Yes.

Q. And prior to the time that you were interrogated by Mr. Lane, almost immediately before you went in to the grand jury, is that right?

A. Yes.

Q. How many days elapsed between the time Mr. Lane [fol. 400] questioned you and the time you testified before the grand jury?

A. I believe it was the same day.

Q. The same day?

A. Right close to it, because I came back from vacation, I was called back and I was to testify the day—the next day. So it was right there.

Q. Did you notify the authorities that you were going on vacation?

A. Yes, I did.

Q. Were you subpoenaed before the grand jury?

A. I was asked to come.

Q. Pardon me?

A. I was asked to come.

Q. Were you ever served with a subpoena?

A. I was not.

Q. Were you served with a subpoena to appear in court today?

A. No, I was not.

Q. You testified voluntarily before the grand jury without any compulsion, isn't that right?

A. That is correct.

Q. And you likewise are testifying today in this trial without any coercive process?

A. Yes, that is right.

Q. (Continuing) Ever having been served upon you, is that correct?

A. That is correct.

By the Court:

Q. Were any promises made to you in return for your [fol. 401] testimony before the grand jury or in court?

A. Absolutely none.

Q. Were you told by anybody connected with the Government that you would not be prosecuted for any offense you might have committed?

A. I was never told that. I never asked and I was never told that. There was no indication ever given me, any statement made to me.

Mr. E. H. Bloch: I am sorry. I can't hear.

The Witness: There was no statement to that effect ever given to me. In fact I was told that there were no promises to be made, nothing—the Government would make no statement in regard to what would happen to me.

By Mr. E. H. Bloch:

Q. The fact that you were under arrest or indicted?

A. That is correct.

Q. For any crime?

A. That is correct.

Q. Did you entertain any hope or do you now entertain any hope that by implicating these defendants the Government may not institute any proceeding, criminal proceedings against you?

A. No.

Mr. Saypol: I object to the form of the question if the Court please.

The Court: I will overrule it.

[fol. 402] Mr. Saypol: Will your Honor hear me?

The Court: Yes.

Mr. Saypol: I object precisely to the use of the word implicate. The witness has given a narrative story in his testimony as to incidents in which he participated, as to what he heard and saw. The legal conclusion, implication, is the prerogative of the jury, and that is the basis of my objection.

The Court: On that objection I will sustain it. I will reword it.

By The Court:

Q. Do you have any hope—is that your question? Does he presently have a hope?

Mr. E. H. Bloch: I am sorry, there should have been two questions. Did he at that time when he testified before the grand jury?

The Court: Reword it without the implication.

Mr. E. H. Bloch: All right.

By Mr. Bloch:

Q. Did you at the time you were first interrogated by the FBI or at any other time when you were queried by Government officials, entertain any hope that if you told a story in which you said that Julius Rosenberg and Morton Sobell tried to recruit you in espionage work, that the Government would go easy on you or would not prosecute [fol. 403] you criminally for any crime you may have committed?

Mr. Saypol: I object to the form of the question. May I state the reason? In the use of the quoted words, told a story.

Mr. E. H. Bloch: I didn't mean to make that implication.

The Court: All right, we will change that to mean, testified as you did today.

Mr. E. H. Bloch: That is right.

A. Well, from the first time that I was approached by the FBI I decided I would tell the whole complete story. I had no idea at the time of what would happen to me. Frankly, I didn't know whether I would be arrested the same day, and to this day I don't know what is going to

happen, and I decided that purely on the basis that I would tell the whole truth and at least in the future I would not be subjected to any perjury or any misstatements, and I would at least tell the truth, and hope in that way, at least that by taking that course I would at least come out in the best way. I could see no other course but to tell the truth.

Q. When you say, and I am referring to the last few words of your long answer, hope that you might come out the best way, will you be specific about that and tell us what you mean?

A. Well, it is difficult to define because I don't know [fol. 404] what is going to happen to me. I only know and I knew it from the first day I was questioned by the FBI, that I must tell the whole truth.

Q. But you say—I am sorry, I don't want to interrupt you, even though I think you are a little long-winded.

Mr. Saypol: I move to strike it out, that last comment, if the Court please.

The Court: Strike it out. Are you finished with your answer?

The Witness: Well,——

The Court: Go ahead.

The Witness: I certainly have hopes, to use the same terms, that the best will happen to me.

The Court: Well, you certainly do hope that nothing will happen to you?

The Witness: Yes, that is correct.

Q. Now, you had merely the most casual relationship or acquaintanceship with Julius Rosenberg during your student days, isn't that right?

A. Yes.

Q. And you didn't see him, you say, from the time of your graduation in 1938?

A. That is correct.

Q. Until June, 1944?

A. That is my recollection.

Q. That is a period of approximately six years, isn't that correct?

A. Yes.

Q. You have never written him any letters?

A. No.

Q. He had never written you any letters?

A. No.

[fol. 405] Q. You had never met him either in New York or Washington or elsewhere and engaged in any conversation with him is that right?

A. That is correct.

Q. Talking about these intervening six years?

A. That is right.

Q. Now did you have any telephone conversation with him during the six-year period?

A. No.

Q. And then you say he telephoned you sometime in the early part of June 1944 and asked to come to see you, is that right?

A. Yes.

Q. Do you remember what time it was that he telephoned?

A. Yes. It was after work. It was prior to my dinner or supper, I would say.

Q. Well, I don't know when you eat, and I don't think the jury does, so I wish you would be a little more specific.

A. I would guess the time was somewhere around six o'clock.

Q. You hadn't eaten your dinner as yet, had you?

A. That is correct.

Q. How long after you say Rosenberg called did he come to your house?

A. Well, not a long time after. We had our dinner and he came after. So it would probably be in the next hour or two.

Q. Would it refresh your recollection if I told you that [fol. 406] Rosenberg had dinner with you at your house that night in Washington?

A. Would it refresh—no, no, he did not.

Q. You don't remember what you ate that night?

A. Absolutely not.

Q. Did you have coffee?

A. I am sure, yes.

Q. Did Rosenberg have coffee with you?

A. No. We had a drink later, but we had no coffee.

The Court: Keep your voice up.

Q. How many rooms did you have in that apartment at Delaware Avenue—is that right, Delaware Avenue?

A. That is right. A living room, kitchen and a bedroom.

Q. About what time would you say Rosenberg came?

A. Sometime around eight o'clock.

Q. And your wife was present?

A. Yes.

Q. Did you have any plans for that night?

A. No, not that I remember.

Q. Did your wife stay in the living room when Rosenberg came and you began to converse?

A. Yes.

Q. How long did she stay with you and Rosenberg?

A. Well, we talked perhaps fifteen minutes, a half hour. We just discussed our work, marriage, children, just odd topics. We also—there was mention made at that time of the fact that D-Day had just come a short time before [fol. 407] and Rosenberg mentioned that he had had a drink with some friends in celebration of this and also——

Q. Pardon me, I don't like to interrupt, but did you tell us that on your direct examination?

A. I wasn't asked.

Q. Weren't you asked what the conversation that you had with Rosenberg was when he came to your house?

A. Yes. I said we talked.

Q. Now you are adding something, are you not?

A. Yes.

Q. All right, continue.

Mr. Saypol: May we hear the balance of the answer regarding the drink with the friends celebrating——

The Witness: We had this drink and we also had a drink, I believe it was wine, we will say, in celebration of the events of D-Day.

Q. Of course, all patriotic Americans celebrated D-Day, did they not?

A. Yes.

Q. Now, not having seen him for six years, he then came into your apartment, had a conversation with you and your wife about general things, marriage. Did you talk about you- old college days together?

A. No—perhaps; I don't know. There was nothing specific about that part of the conversation.

Q. Do you remember specifically any subject that you [fol. 408] discussed while your wife was present outside of those you have already mentioned?

A. No, I can't right now.

Q. And then Rosenberg, who had never been to your house before, you say, asked your wife to leave the room, is that right, at that point?

A. Well, he said to me, "I would like to see you alone," and either I or he or both of us just turned to my wife and said, "Would you step out? We would like to talk alone," and she went into the bedroom and stayed there while we talked.

Q. You didn't talk outside the apartment, did you?

A. No.

Q. Did you have an automobile at that time?

A. Yes.

Q. Did you drive Rosenberg any place after he completed his visit?

A. I did not.

Q. Did you ever drive Rosenberg any place in Washington?

A. No.

Q. Did you drive him to Union Station that night?

A. I did not.

Q. That is clear in your mind, isn't it?

A. Yes.

Q. And then you say Rosenberg, not having seen you for six years, hardly knowing you, launched into an overture to you to engage in getting information?

A. Yes.

Q. Is that correct?

A. That is correct.

[fol. 409] Q. Now, I would like you to tell us what you said after Rosenberg said what you have said he said on direct examination. What did you reply?

A. Well, I told him I would see about it. I didn't say I would not engage in this activity; I would think about it. He had raised the question about bringing the material to New York and I said, "I can't make any trips to New York on my own without my wife's knowledge. It is just

impractical." However, he was not put off by this and said, "Well, we will see about it and if you have anything, you bring it up," and I said "O.K., I will see." I don't believe I said I would bring anything to him. I said "I will consider it, and if something comes up and I feel I should bring it, I will."

Q. Did you mean what you said?

A. Yes, I did.

Q. Didn't you testify before that you were shocked at this overture?

A. Well, yes. It was new. Something which—well, I think it would shock anyone, from the approach. By his conversation he built up to this giving of information, telling about the Russian war effort, getting my reaction to it, my saying "yes, they are doing a good job."

Q. Now you at that time were working in the Navy Building?

A. Yes.

Q. Now when you checked into the Navy Building in [fol. 410] the morning of your working day, you had to check a clock?

A. I signed in.

Q. Were you searched?

A. No.

Q. When you came in?

A. No.

Q. When you went out was the same procedure followed?

A. Well, if you had a package it had to be checked. You were not searched. There was no search made of the person.

Q. There were security regulations in force, however, at your place of employment in the Navy Building in Washington in 1944, were there not?

A. Yes.

Q. And you as well as employees like you were compelled to reveal any package or packages or letters or any matter when they checked out at the end of the working day, isn't that correct?

A. Yes. Either you had a pass for the material or it had to be observed by the guards.

Q. So that is it not fair to say that you and employees like you in similar positions were under surveillance?

A. Yes.

Q. It wasn't very easy, was it, to get a package out of the Navy Building?

A. Well, it could be done, I am sure.

Q. You said, did you not, if you took a package out it had to be revealed and disclosed to the security guards at the entrance or exit, isn't that right?

A. That is correct.

The Court: It could be taken out without revealing it? [fol. 411] The Witness: I am sure, yes.

Mr. E. H. Bloch: I am sorry, I didn't hear the Court's question.

(Question and answer read.)

Q. You mean if you stole it?

A. Yes.

Q. If you secreted it in your pocket?

A. Yes.

Q. But you certainly couldn't take out any bulky package, could you, without it being visible to the security guards?

A. Yes—I didn't get that, I am sorry. I mixed the question up. It would be difficult to get out a bulky package, yes.

Q. Now then, Rosenberg left about what time in that first meeting after six years in June 1944? About what time?

A. Around 9:30.

Q. So he came about eight and your wife was present for about a half hour and then you and Rosenberg continued to discuss these matters you have testified to for about an hour, is that your testimony?

A. Well, not exactly. When we were through my wife came in and we spoke a little bit more and then he left.

Q. About what time did he leave?

A. I w*as*- say it was nine-thirty. I am not sure.

Q. How long would you estimate the conversation that you had with Rosenberg at your house that night lasted, while you two were alone?

A. I would say no more than a half hour, probably less. [fol. 412] It was relatively short. What was said was sort

of compressed. It was gone over—there was no stretching out the discussion. So it took less than a half hour, I would say.

Q. You have already testified and told us what was discussed while your wife was present. Then your wife left at your suggestion, which was as you say in response to Rosenberg's request that you two speak alone?

A. Yes.

Q. Now, after your wife left did Rosenberg come right to the point and talk to you about the possible espionage work, or getting information from your employer?

A. Well, he started out with this discussion of the Russian war effort and how well they were doing, but they could be in a much better position militarily if information wasn't being denied. He sort of built up to it, talking about that; my saying that they are doing a good job. It was both a discussion——

Q. How long would you say that part of the conversation lasted?

A. A few minutes.

Q. About as long as it took you to tell the Court and jury about it now?

A. I would say a little longer.

Q. About five minutes?

A. No.

Q. Well, how long? Give us some idea.

A. A few minutes; say three or four; less than five minutes.

[fol. 413] Q. Three or four, less than five minutes?

A. Yes.

Q. Then did Rosenberg lay it on the line to you and say, "Here, brother, now I want you to steal information from your employer"? Is that what he said?

Mr. Saypol: That is not the testimony.

The Court: That is right. I will sustain that objection. And I want you to know, ladies and gentlemen of the jury, that evidence comes from the mouths of the witnesses; it doesn't come in form of a question.

Q. Well, did he after the five-minute period ask you to get information from the United States Government?

A. Well, I will say this: it was near the beginning of

the conversation that he introduced it; he went on to say that other people were contributing. He himself was looking for people to contribute, and then got to the stage of asking whether I would be willing to do so. He may have mentioned security measures before he actually posed the question to me. It was all in continuity.

Q. Did he mention anything about security measures?

A. I mean his own security. Not security——

Q. Did he mention anything about surveillance under which you were?

A. Yes.

Q. In your employment?

A. No, there was no question raised or no mention made of how this material was to be taken out, no instructions given, but it was your responsibility to get. I mean if I [fol. 414] were to agree to take information out, to get it, there was no discussion of the means of doing that.

Q. Have you told us now substantially everything that was said at that June 1944 meeting at your house?

A. Substantially, yes.

Q. You have covered every important part of the conversation, is that correct?

A. Yes.

Q. Was there any question of money raised?

A. No question of money raised.

The Court: Are you almost through, Mr. Bloch?

Mr. E. H. Bloch: Pardon me?

The Court: Are you almost finished.

Mr. E. H. Bloch: I am trying to do this chronologically, your Honor, and I can't say that I will be honest with the Court if I say I am almost through. I really don't know. I am going to try to be as precise as possible, but this witness has covered a lot of ground. I think it is incumbent upon me to cover the same amount of ground in the minimum.

[fol. 415] By Mr. E. H. Bloch:

Q. Now, when after the June 1944 meeting did you meet Rosenberg next?

A. Oh, I recollect that I met him next in New York, later that summer when my wife and I visited New York and

because of his invitation to call him and perhaps have dinner with him or with other classmates we did call him and he arranged this meeting with other classmates.

Q. And where did you meet?

A. We met at 42nd Street and Eighth Avenue.

Q. And I believe you testified you went to a restaurant?

A. Yes.

Q. And how many people were in the party?

A. About five or six: five.

Q. Well, please tell the jury who were present and who dined together?

A. William Mutterperl.

Q. Was he a classmate of yours?

A. Yes. His brother whom I had not known before, myself, my wife, Rosenberg. I believe that is all.

Q. Was Mrs. Rosenberg there?

A. No, she was not.

Q. Then you ate together?

A. Yes.

Q. Did you discuss anything except general topics at that time?

A. No.

Q. Your wife was present?

A. Yes.

Q. When did you finish eating?

A. What was that?

[fol. 416] Q. When did you complete your meal?

A. I don't recall the hour.

Q. Approximately? Nobody expects you to know exactly.

A. About 6 o'clock.

Q. About 6 o'clock?

A. It was early evening.

Q. Then did you and your wife leave?

A. No.

Q. Did you stay with anybody in that crowd?

A. Yes, we all, and another person was called—I believe it was by Mr. Rosenberg, Joel Barr.

Q. Was he a classmate of yours?

A. I don't remember whether he was a classmate. I knew him from school.

Q. You met him as casually as you met Rosenberg at school?

A. Yes. He had dinner with us and we all went up to the apartment of this Joel Barr.

Q. Where was that?

A. On Broadway. In the 90's on Broadway.

Q. So in a sense it was a reunion of college students, is that right?

A. Yes.

Q. Or of alumnae?

A. Yes.

Q. Then did you and your wife leave?

A. No. After that we went on. Mr. Barr suggested that we visit a friend of his who lived in Greenwich Village and we went down, Rosenberg, myself, Mutterperl and my wife went down to Greenwich Village and we visited him. [fol. 417] He entertained for a short time. Then we broke up.

Q. When you say "him", do you remember the name?

A. Seran, I don't remember his first name.

Q. Was he also a classmate of yours in C.C.N.Y.?

A. I hadn't met him. I didn't know him.

Q. You don't remember him at all?

A. No.

Q. Did you have a couple of drinks there?

A. No. He played the guitar and played some music on a phonograph.

Q. Then you and your wife left?

A. Yes.

Q. So it is fair to say that the second time you met Rosenberg it was a social gathering?

A. Yes.

Q. Of college classmates?

A. Yes.

Q. Is that right?

A. Yes.

Q. Now, when was the third time that you met Rosenberg?

A. I met him——

Q. I am sorry. May I withdraw the last question. Now, at that second meeting where you all went out to dinner

together, did you have any conversation with Rosenberg which related to the conversation that you say took place at your house in Washington in June, 1944?

A. No.

[fol. 418] Q. None whatsoever?

A. I don't recall any.

Q. All right. Now, when was the next time that you met Rosenberg?

A. Well, in the summer of 1945. I had testified that I came to New York and called him and we were desirous of a place to stay, and he invited us to stay at his apartment.

Q. Now, he did not invite you to come to his house, in June of 1945, did he?

A. In June?

Q. You said, it was in June 1945 or in the summer of 1945?

A. In the summer of 1945.

Q. Do you remember what month?

A. I believe it was about August.

A. August, all right. August of 1945, you came up here to New York and then you telephoned him?

A. No.

Q. You telephoned him at his house or at his place of business?

A. At his house.

Q. At his house?

A. Yes.

Q. About what time?

A. It was late in the evening.

Q. And that telephone call of yours was not through any prearrangement, was it?

A. No.

Q. You had not seen Rosenberg in almost a year; isn't that right?

A. That is correct.

Q. But you were here in a so-called strange city, at least this was not your home and you wanted a place [fol. 419] to stay for yourself and your wife; is that correct?

A. That is correct.

Q. And that was the reason you called Rosenberg?

A. Well, he had, on both the previous visits, sort of in-

vited us to call him at any time. He might even have suggested we could stay there on some visit. It was purely a gracious invitation.

Q. Generally the kind of invitation people usually convey to each other?

A. Yes.

Mr. Saypol: I will object to that and ask to have it stricken, because I don't know about generally kinds of invitations, your Honor.

The Court: Overruled.

Mr. E. H. Bloch: I will consent. It is not important.

Q. At any rate, within a day or a week or a month prior to the time that you came here in the summer of 1945, Rosenberg hadn't said to you, "Call me up, I want to see you; get in touch with me"; had he?

A. No.

Q. And when you called him up, it was for the purpose of finding a place to sleep for yourself and your wife?

A. That is correct.

Q. And Rosenberg said to you, "Come on up. My wife is away in the country"; is that what he said?

A. That is correct.

[fol. 420] Q. And he extended the hospitality of his house to you ?

A. That is correct.

Q. At least to the extent of giving you a bed?

A. That is correct.

Q. And, as a matter of fact, he had to sleep on a couch?

A. No.

Q. Did he sleep in the apartment?

A. There was a bedroom. My wife and I slept on a Hollywood bed that was in the living room.

Q. I see. All right. Now then——

The Court: What is a Hollywood bed?

The Witness: Just sort of mattress without front and back, not a regular bed.

Mr. E. H. Bloch: Without a back, your Honor.

Q. At any rate, you came there and you and your wife slept?

A. Yes.

Q. Did you leave, you and your wife leave the following morning?

A. Yes.

Q. And that takes care of that visit; is that right?

A. Yes, sir.

Q. Is that correct?

A. Yes, sir.

Q. When was the next time you saw Rosenberg?

A. Well, in September——

Mr. Saypol: Just a moment. When Mr. Bloch says "Is that all that happened" does Mr. Bloch mean——

[fol. 421] Mr. Bloch: I didn't say that. I said, "That takes care of that visit."

Mr. Saypol: There were conversations that he has testified to——

The Court: I can't hear you, Mr. Saypol.

Mr. Saypol: I say, there were conversations that he testified to on direct, that took place, and I don't want the witness misled or any impression created that now in his cross-examination he is leaving something out that wasn't testified to on direct.

The Court: I think your observation is a sound one.

Mr. E. H. Bloch: If the Court please, I submit this is cross-examination and I don't have to be bound by this witness' story that he gave on direct, neither do you, or neither does the jury.

The Court: No, no, let us have no argument. Mr. Saypol, I don't want to hear any more.

Mr. Saypol: I won't address myself to the Court unless your Honor permits me.

The Court: Mr. Bloch: I don't want to hear any more. The point is, you want to leave that particular topic, but you have not asked the witness, as I understand it, "Have you told us everything that you said to Rosenberg and he said to you?"

[fol. 422] Mr. E. H. Bloch: I did not ask that question.

The Court: Very well.

Mr. E. H. Bloch: My questions speak for themselves, your Honor. I am not trying to be abstruse here.

The Court: Proceed.

Mr. E. H. Bloch: I hope I am clear.

By Mr. E. H. Bloch:

Q. Now, when was the next time that you saw Rosenberg?

A. In September of 1945, when he——

Q. And that was about a month after this visit at his home, where you and your wife stayed over?

A. Yes.

Q. Where did that take place?

A. At my home in Washington, at 247 Delaware Avenue, S. W.

Q. And did Rosenberg call you?

A. Yes.

Q. Did he ask to come over?

A. Yes.

Q. Was that in the late afternoon or early evening that he called?

A. That was morning.

Q. About what time?

A. I can only guess the time. It was—we had just risen. My wife was not dressed as yet when he called. It was about 10 o'clock, I would say. We slept later. It was a Saturday, I recall.

Q. It was a Saturday?

A. Yes.

Q. September, 1945; is that correct?

A. That is correct.

[fol. 423] Q. How many hours were you working for the Navy Department—how many hours per week were you working——

A. Well——

Q. Just a second. Let me ask the question before you answer it. How many — per week were you working for the Navy Department in 1945?

A. I believe we were working over 48 hours. This was after the war and the hours had been cut down.

Q. You are sure of that?

A. Yes.

Q. Now, as a matter of fact, for many years during the war you were working on a 48-hour basis?

A. Yes.

Q. When did that 48-hour work week become lessened?

A. It was after the war, around the end of the war, but

I don't recall the date or the time, I mean, when it was exactly.

Q. You say that in September 1945 you were not working 48 hours?

A. Well, I don't believe so.

Q. Is that your testimony?

A. Yes.

Q. You are sure of that?

A. Fairly positive. I can't be absolutely certain. I believe that is so.

Q. Well, if you have any doubt, I want you to think about it.

A. Well, to my recollection, yes, we ceased to work 48—overtime. Now, when that ceased, I don't know, I can't remember that exactly.

Q. Well, at any rate, is it your testimony—let's get this [fol. 424] clear—is it your testimony that in September 1945 you were not working on Saturdays for the United States Government?

A. I do not know. I only testified that I was not working that day. I don't know whether—when we ceased work on Saturdays. I just recall this occasion. I know that it must have been a Saturday; he came in the morning and I know that after he left I went shopping, and I am positive that it was a Saturday. As to whether we were working then Saturday, I don't know. I could have been off anyway.

Q. That is what I wanted to ask you. While you were working for the Navy Department on a 48-hour week basis, did you ever take off Saturdays, outside of your vacation period?

A. I don't remember. I could have. I took off any time that I thought I wanted to take time off, or had some need for taking time off.

Q. We are trying to get your best recollection.

A. Yes.

Q. I don't expect you to be a wizard.

A. Yes.

The Court: All right, I think we have the answer. Proceed.

Q. That is your best answer?

A. Yes.

Q. You may have taken off some Saturdays?

A. Yes.

Q. Now, what time do you say Rosenberg got to your house?

A. 10 or possibly 11 o'clock in the morning. It was in [fol. 425] the morning.

Q. In the morning. Now, in these two meetings in Washington, at your house—there were two; is that correct?

—. That is correct.

Q. Did Rosenberg ever at any time tell you that he had been assigned to do some work for the Government or for his employer, Emerson Radio Company, in Washington?

A. I recall something like that, but I don't remember it now. It strikes a familiar note, but I don't recall him saying that.

Q. Well, will you say that he did not tell you that he was down in Washington——

A. I couldn't say.

Q. —in Washington on business?

A. I couldn't say that he did not tell me.

Q. How long did Rosenberg stay at your house that Saturday morning in September 1945?

A. Well, he stayed only a short time. My wife had an appointment to have a picture taken at our union headquarters for some committee on which she was working, and she was dressing, and when she was dressed we had to leave, and I told him so. He spoke to me and he sort of wanted to continue speaking to me. I told him, if he wants to continue the conversation that he had to come with me, that I had to take my wife to the union hall; she wanted to be driven; and he first didn't want to, he didn't want to be seen at this union place, but I [fol. 426] said to come up if he wants to speak to me. He finally agreed and I drove him up to that place, the union hall.

Q. Where was the union hall to which you belonged?

A. On 18th Street, off Connecticut Avenue, just off Connecticut Avenue.

Q. That is northeast?

A. Northwest.

Q. And you lived in northeast, didn't you?

A. Southwest.

Q. Southwest?

A. That is correct.

Q. You had to come across the Capitol Street in order to get there; is that right?

A. Well, actually I lived right near the Capitol.

Q. I happen to know where that is.

A. Yes.

Q. Now, how long did it take you to get from your house to the Union hall by automobile?

A. It couldn't take more than 10 minutes.

Q. How long did Rosenberg stay at your house and talk to you before you all went out to get into the automobile to get to the union hall?

A. I would say no more than 15 minutes; quite short. He wanted to continue——

Q. And during that period of 25 minutes——

Mr. E. H. Bloch: I withdraw that.

Q. After you reached the union hall, did Rosenberg then [fol. 427] leave you?

A. No, he stayed and talked with me for a short time downstairs.

Q. Downstairs?

A. That is correct; and then——

Q. Did he go up to the union hall with you?

A. When we were through, I said, "I am going up to see my wife's picture being taken." He had some time; he didn't have to leave at the moment, and I said, "Well come upstairs"; and he did walk upstairs with me, and I believe the pictures were being taken at the time; and then——

Q. Did you—I am sorry; I didn't want to cut you off.

A. (Continuing) When the pictures were taken, the three of us went downstairs and he got onto a trolley which passes the union hall and which goes to Union Station. I believe he said he was going—he was taking the train.

Q. Now, the union at that time was located one flight up in that building, was it not?

A. Yes.

Q. And did you introduce Rosenberg at that time to any fellow union members of yours?

A. I did not.

Mr. E. H. Bloch: Pardon me? Will you bear with me just one second? There seems to be some question.

May I clarify something?

Q. Is it your testimony that when Rosenberg came to [fol. 428] visit you that Saturday morning in September 1945, he said to you, either directly or by language which made his intention unmistakeably clear, that he did not want to be seen at the union hall?

A. Yes, I believe that that was the words he used or it was the intent of what he was saying, that he preferred not to go up there. I told him that it seemed to me all right, that there was no reason why he couldn't.

Q. And he did go with you?

A. Yes, he did.

Q. And there were other people there?

A. Not many. There were just—there weren't many people there, just those who were having their picture taken.

Q. And how many people would you say were there?

A. Six, a half a dozen, perhaps more; the photographer.

Q. Together with members of the staff of the union?

A. I don't know if there were any other members.

Q. Didn't you know the members of the staff of the union?

A. Yes, but I don't remember whether there were any, I mean, I don't remember anybody that was up there at the time except my wife.

Q. At least there were five or six union people there?

A. Yes.

Q. And Rosenberg came in, normally, with you——

A. Well——

[fol. 429] Q. —to the union hall, did he not?

A. Well, yes—well, no one saw him. We both just stood outside; we were just watching this picture.

Q. You didn't make any attempt to secrete your presence, did you?

A. Oh, no.

Q. And Mr. Rosenberg didn't make any attempt to hide his presence there?

A. I don't know whether he did or not.

Q. Well, you saw him; he was alongside of you, was he not?

A. Yes.

Q. Now, after your wife had her picture taken at the union hall, you said the three of you then went downstairs again?

A. Yes.

Q. And shortly thereafter Rosenberg took some troll-y car?

The Court: I didn't hear that.

Q. And shortly thereafter, Rosenberg took some trolley car and went away; is that right?

A. That is correct.

Q. Now, did you have any discussion with Rosenberg at the union hall, proper?

A. I believe that downstairs we did speak, at the end of the conversation concerning this matter, saying to come and see him. I don't recall during—how the conversation was split, at my house and the union hall. We did stay downstairs just a few minutes and I was anxious to see [fol. 430] my wife and her picture being taken. Then we went upstairs.

Q. Now, you say the entire automobile trip took about 15 minutes; is that the approximation?

A. 10.

Q. 10 to 15 minutes?

A. Right.

Q. And you say Rosenberg was in your house before you all went out, about how long?

A. 15 minutes.

Q. Now, during the 15 minutes that Rosenberg was in your house, were you making preparations to go to the union hall with your wife?

A. I believe that I was dressed; I might not have been completely dressed. I remember that my wife was not and she was in the bedroom preparing herself. I do recall that we didn't have much time. Rosenberg did want to speak to me and I said, "If you want to"—I mean, "If you want to, you can come along with me," and, as I say, he first didn't want to, but then he agreed to come.

Q. And you said that, knowing full well that your wife would be present in the automobile?

A. Yes, we didn't discuss anything in the automobile.

Q. That's right; and you didn't have any idea in your mind that he wanted to discuss anything that was secret or clandestine or furtive, did you?

A. Well, I believe he had started the conversation at my home concerning what I had testified to before; in the car, we were just traveling and then we spoke again; we [fol. 431] finished the conversation at the union headquarters.

Q. Now, while your wife was in the car did you discuss any subjects that you have mentioned, with respect to what took place at the first conversation in your house, in June 1944, or the few minutes' conversation, that you say you had with Rosenberg before you and your wife and Rosenberg went out to the car?

A. No.

Q. When you got to the union hall, how long did you stand with Rosenberg and discuss matters?

A. A very short time.

Q. How long?

A. Not more than five minutes.

Q. Was your wife present?

A. No, she had gone up.

Q. Now, when was the next time that you saw Rosenberg?

A. Well, I don't recall the date when I visited him at his home, in the exact month. I only know the general area. There was also——

Q. Wait, wait. Let's take one incident at a time.

A. All right.

Q. Now, when was the next time, as near as you can refresh your recollection?

A. Well, it was sometime in the winter of '46, '47. I know it was cold.

Q. In other words, that was at least four or five months later?

A. Oh, yes.

Q. Subsequent to this incident of September '45, that [fol. 432] you have just told us about?

A. Yes.

Q. Now, were you invited by him to come to his house by specific invitation?

A. Wait. May I correct what I said? I said it was

the winter of '46, '47 and I had seen him in '45. I don't want to confuse it.

Q. Wait, wait.

The Court: He had seen him in Washington in September of 1945.

Mr. E. H. Bloch: That is correct.

The Court: He saw him again in the winter of 1946 or early part of '47.

Mr. E. H. Bloch: That is what I thought his testimony was.

The Witness: Yes.

Q. In other words, about four or five months later; is that right?

The Court: No, almost a year later.

Mr. E. H. Bloch: Oh, a year and four months later, I am sorry.

Q. A year and four months later?

A. Yes.

Q. Had you seen him at all during that intervening period?

A. I don't recall any period.

Q. When you came to his house, did you call him up on the telephone?

A. Yes.

Q. Had he given you any specific invitation to come [fol. 433] to his house during that intervening year and a half?

A. Well, it was a continuing invitation, as far as he was concerned. He had said that when I was, whenever I was up there, or whenever I wanted to discuss this matter of espionage—I mean, there was no restrictions laid against my coming to see him.

Q. Did you come to see Rosenberg in the winter of this last year, that you are talking about, for the purpose of discussing espionage with him?

A. Well, yes.

Q. You voluntarily came up to New York, you say, for the purpose of discussing espionage with Julius Rosenberg; is that right?

A. Yes.

Q. When was this, in terms of days of the week?
A. I don't recall.

By the Court:

Q. Was this after your talk with Sobell?
A. Yes.
Q. Was it pursuant to your talk with Sobell?
A. Yes.

By Mr. E. H. Bloch:

Q. Were you living in New York at the time?

Mr. Kuntz: We object to your Honor's question.
The Court: Upon what grounds?
Mr. Kuntz: On the ground, first of all, that it is leading; secondly, that it is incompetent, irrelevant and immaterial to the issues involved in this case.
[fol. 434] The Court: Whether he did it pursuant to Sobell's——
Mr. Kuntz: Calling for a conclusion as to the purposes.
The Court: Denied on all grounds.
Mr. Phillips: I think the use of the word "pursuant" is objectionable, if your Honor please.
The Court: Denied.
Mr. Saypol: Will your Honor suffer an interruption? I should like the record to be complete, to support your Honor's observation. The former cross-examination—I take it that is the basis for the Court's helpful question—eliminates entirely the witness' testimony on direct as to the circumstances under which he saw Rosenberg.
Mr. E. H. Bloch: I object to this statement of Mr. Saypol's, because I believe it is for the jury and the jury alone to test the credibility of this witness.
The Court: That is correct.
Mr. E. H. Bloch: And to draw the reasonable inferences.
The Court: That is correct; and it is for the jury and the jury alone to test the credibility of the witness, and it is for the Court also to see to it that the jury is not in any way confused by the facts of the evidence; and so, where the Court is of—and I don't want to intimate that Mr. [fol. 435] Bloch is doing it deliberately——

Mr. E. H. Bloch: Thank you.

The Court: —where the Court is of the opinion the jury may not follow the sequence of events, the Court will not hesitate to call that to the jury's attention.

By Mr. E. H. Bloch:

Q. Now, where were you living at the time you called Rosenberg up, at the time of this last incident that we have come to?

A. In Washington.

Q. And do you remember whether it was on a weekend?

A. I don't recall, no.

Q. Did you come up with your wife?

A. I don't remember the occasion, other than I was there and called him.

Q. I asked you whether or not you came up to New York with your wife? Now, that is a simple question. Did you or did you not?

A. I don't remember.

Q. But you do remember the second visit some years before, where you did bring your wife to New York?

A. Yes; this was a meeting I was having alone with him.

Q. Well now, I want to ask you whether or not that refreshes your recollection as to whether or not your wife came along with you?

A. No, it does not.

[fol. 436] Q. How long did you stay in New York?

A. I don't recall.

Q. Was it an hour?

A. In New York?

Q. Now, look, if I ask you a question and you don't understand it, please don't hesitate to say that you don't. Nobody is trying to trick you here, let me assure you of that.

A. Well, I stayed more than that, because I went up to his house and I spoke with him and I left. I visited New came up—otherwise I was in New York quite often, so I don't recall the particular circumstances, but I was in New York the evening—I know I came up there in the evening to see him; it was in the evening; so therefore I would be there some time and I might have been there longer; I might have been continuing to another—to either a train or to some other place, I don't recall. I just recall the incident.

Q. Did you come to New York on that occasion at the expense of the Government?

A. I presume so, because I made most of my trips to New York on business, and therefore, for the Government.

Q. Well, was it a business trip?

A. I don't recall.

Q. Was it a legitimate business trip for the Government?

[fol. 437] A. I only made legitimate business trips for the Government.

Q. Well, if you made—if you only made legitimate business trips for the Government and you came up on Government expense, does that refresh your recollection as to whether or not you didn't come up to New York in the routine procedure and regular course of your duties?

Mr. Saypol: I object to that as to form.

A. I don't understand the question.

The Court He doesn't understand it.

Mr. E. H. Bloch: All right, I will try to simplify it.

Q. You say you only made legitimate business trips?

A. That is correct.

Q. And every time you made——

Mr. Saypol: For the Government.

Mr. E. H. Bloch: I am sorry, of course, for the Government.

A. Yes.

Mr. E. H. Bloch: Well, he claims he never did anything illegally.

Q. And whenever you went on legitimate business trips, you had to make out certain vouchers for the Government?

A. Yes.

Q. Didn't you?

A. Yes.

[fol. 438] Q. And you had to swear that the expenses that you incurred were incurred by you in performance of the duties that had been assigned to you, in connection with traveling outside of Washington; isn't that right?

A. Yes.

Q. And you received a per diem expense account?

A. Yes.

Q. $6. a day, I believe it was, at that time?

A. Yes.

Q. Now I ask you whether or not that refreshes your recollection as to whether or not you came up to New York from Washington at the time of this last incident, at Government expense?

A. I don't know how that would clarify it to me? I said I don't recall the particular circumstances of that visit.

The Court: All right now, is this a convenient place to break off?

Mr. E. H. Bloch: I think so, your Honor.

The Court: Very well.

Ladies and gentlemen, you are excused until 10:30 tomorrow morning; 10:30 tomorrow morning in the courtroom, but I suggest that you congregate there at 10:30 and relax there until 10:30 tomorrow morning.

(Adjourned to March 9, 1951, at 10:30 a.m.)

[fol. 439] UNITED STATES OF AMERICA

vs.

JULIUS ROSENBERG, ET AL.

New York, March 9, 1951;
10:30 o'clock a.m.

Trial resumed

Mr. Saypol: May I approach the bench, your Honor.

(The following discussion took place at the bench.)

Mr. Saypol: Mr. Bloch, my associate, Mr. Kilsheimer, informs me that he learned last night that his father-in-law was acquainted with one of the jurors, Juror No. 4. He reported it to me promptly this morning and I am reporting it to the Court. By the same token Mr. Kilsheimer advises me that he has never met, never seen, knows nothing about or ever talked with the juror in question.

I think that ought to be spread on the record for the protection of the record.

Mr. E. H. Bloch: The only question in my mind, Mr. Saypol, is whether or not Juror No. 4 knows that the man he knows is the father-in-law.

Mr. Saypol: I don't know. Mr. Kilsheimer hasn't talked [fol. 440] with the juror. So he doesn't know.

The Court: I don't think it would make any difference. Of course, we searched the mind of that particular juror and apparently the juror didn't know of the relationship because that was one of the questions we asked.

Mr. E. H. Bloch: That is correct.

Mr. Kuntz: The point is, we exhausted every challenge except the last one.

The Court: What about it? Suppose you did.

Mr. Kuntz: If we had known that we might have used the peremptory challenge.

The Court: What do you want to do?

Mr. Kuntz: Well I say—I am not the only counsel, but I for one do not feel where my client's life is at stake that I can take a chance.

The Court: Yes, but what do you want to do? Mr. Kilsheimer didn't know about it then, neither did the juror know about it.

Mr. Kuntz: I am not casting any reflection.

The Court: I am asking you the question. Mr. Kilsheimer didn't know about it and the juror didn't know about it at that time. It wasn't a case of withholding something from you. That is the difference.

Mr. E. H. Bloch: I am a little worried about it. Do [fol. 441] you think there would be anything amiss if we all consent, if the Court privately would ask this juror whether the man that he knows he knew to be the father-in-law?

The Court: Would you gentlemen object if I did that?

Mr. Kuntz: What is that?

The Court: Mr. Bloch suggests that I ask the juror privately whether or not he knew that this gentleman, whatever his name is, was the father-in-law of Mr. Kilsheimer.

Mr. Kuntz: I have no objection to that. I have complete confidence in your Honor.

The Court: All r ight. Suppose I go in chambers right now and ask him.

Mr. Kuntz: I think we should give it some thought. I think your Honor should question him.

The Court: I will do that right now in chambers.

Mr. Phillips: That is not all—that we cast any reflection on him; we say suppose, in the course of his deliberations, he learns of the closeness of the relationship between him and one of the men in the United States Attorney's office; May that not in some way influence his conduct?

Mr. Saypol: The first thing I want condemn——

The Court: Let him finish.

[fol. 442] Mr. Phillips: Not for an instance would I have injected into this discussion, good faith, that anybody knew anything about it in advance. That we will all concede to be so, absolutely. But if someone was connected with a father-in-law of mine——

Mr. Saypol: Are you implying that he knew about it?

The Court: No. He is saying just the opposite.

Mr. Phillips: No. I am saying the contrary. I say in the future during the weeks this case will continue, who can tell what influence any relationship of that kind may have on a person deliberating.

The Court: Well here is what I will do: I will talk to this juror with your consent gentlemen.

Mr. Saypol: Yes.

The Court: I will ask him whether or not this man has ever talked to him about this case, whether he knew the relationship. I will also ask this juror not to talk to this gentleman in the future during the course of this case.

Mr. Saypol: Hasn't your Honor admonished each juror not to talk about it?

The Court: Yes, everybody.

Mr. Saypol: I am willing that the Court do anything as long as counsel are satisfied with respect to this situa-[fol. 443] tion. I don't want any lingering doubts. That is why Mr. Kilsheimer reported it to me and I reported it to the Court.

The Court: Would you write down the name of your father-in-law, Mr. Kilsheimer?

(Mr. Kilsheimer writes on paper.)

Mr. Saypol: If counsel want to do it in court it is all right with me. If counsel will consent that it be done by the Court in chambers, all right. Any way you want to do it is all right with me.

The Court: John Hamilton.

Mr. Saypol: You must remember that we are in a community where you couldn't avoid something like this. It hasn't any invidious connotation.

The Court: All right. I don't think we need to argue the point any more. I got your point well in hand. It is one of those situations that arise in a case. Of course, we would all be happier if it didn't arise, but it is here and we have to meet it. So with the consent of everybody, Messrs. Bloch, with the consent of everybody I shall now retire to chambers and I shall talk to Juror No. 4. What is his name?

Mr. Saypol: Gibbons.

[fol. 444] (The following proceedings took place in the Judge's robing room, outside the hearing of counsel for both the Government and the defense, with the following being present:

The Court, Mr. Gibbons, juror No. 4 and the stenographer.)

The Court: Something has just come up, Mr. Gibbons, in the trial, and I just want to make certain that the facts are as they are related. It is nothing for you to be concerned about particularly, because I don't want you to think, before I put my questions to you, that there is any innuendo here that you have done anything wrong.

By the Court:

Q. Now, do you know a man by the name of John Hamilton?

A. Yes, your Honor.

Q. Did you know that when you were being selected that he was a father-in-law of one of the Assistant U. S. Attorneys in the office?

A. A father-in-law of what?

Q. Of one of the Assistant U. S. Attorneys in the office?

A. No, your Honor.

Q. Very well, that is what I wanted to get for the record. I thought that you didn't. You understood my question,

when I was questioning the panel, and I asked the jurors to advise me if they knew any assistants or knew anybody related to any assistants?

—. That's right.

[fol. 445] Q. And when you answered that you did not, you were answering in good faith; is that right?

A. Well, your Honor, do you recall when I got up and stated I belonged to the CIO?

Q. I remember that.

A. Well, what I wanted to bring out was that at one time Harry Sacher was counsel for that union, and I am connected with that union. Now, I didn't know Harry Sacher at all; never spoke to him.

Q. Are you an official of the union?

A. I am a chairman.

Q. Chairman of the union?

A. Yes, of the Clerical Union.

Q. I didn't know you were the chairman.

A. Not of the outside operators, your Honor. This was just a clerical union. I was just chairman. That is what I wanted to let you know. You said "Would that make you biased?" I said "No".

Q. Well, dealing with that particular phase of it, that is right, I remember that you did say that, but you didn't tell us that you were chairman. I remember you said you were connected with that union.

A. That's right.

Q. Now, the thing that I am addressing myself to is just this phase of it: I want to make sure that you did not withhold something, that you knew. You didn't know of [fol. 446] Hamilton's relationship?

A. No.

Q. With anybody in the United States Attorney's office?

A. No.

Q. And, as a matter of fact, we have since learned—and it just came up last night—that he is the father-in-law of Mr. Kilsheimer of the United States Attorney's office, and you never knew that?

A. I never knew that.

Q. That is all right. You still say and reiterate that you will keep your mind open and decide this case based on the evidence?

A. I will, absolutely.

Q. That goes regardless of whether or not you are an officer of the union or whether you knew somebody in the United States Attorney's office—somebody who knew somebody in the United States Attorney's office?

A. That's right.

Q. Of course, you remember my admonition not to discuss the case with anybody, so that you won't in the future discuss it with anybody?

A. That's right.

Q. Thank you very much.

A. I am going in with an unbiased mind, your Honor.

Q. Very good, very good. All right Mr. Gibbons.

A. Thank you.

The Court: Thank you very much.

(The proceedings were resumed in court, at the bench, [fol. 447] outside the hearing of the jury, but with all counsel in the case present):

The Court: The man did not know of any relationship between Hamilton and anybody in the United States Attorney's office. As a matter of fact, he indicated great surprise, but what he wanted to tell me and what had been on his mind particularly was the fact that he said, "You remember I had raised my hand and said that I was connected with the union, CIO union?" Do you remember that? He said, "I never got to the point of telling that Harry Sacher had been counsel for that union." He said, "Now, I didn't know him but he was counsel and I am the chairman of that particular clerks' union." He said, "I think you ought to know that."

So there you are.

Mr. Saypol: I better talk to my colleagues now about that.

Mr. E. H. Bloch: I will tell you what is going through my mind, and that is in the T.W.U., the politics of the membership is so divided one way or the other that it would be almost impossible, unless you asked a direct question concerning his political ideas, to get him to——

The Court: Well, he says, "I said then and I say again that I am going into this case without any bias and I intend

to keep my mind open and decide this case on the evidence.". [fol. 448] He said, "I repeat it now".

As a matter of fact, I put the final question to him and I said, "Well now, with your activity in your union and now with the knowledge that Mr. Hamilton is related to somebody in the United States Attorney's office, would you still, can you still keep your mind open and decide it upon the facts"?

He said "I certainly can".

Mr. Saypol: I would like to talk to my colleagues.

The Court: Well, we will proceed and supposing you give this some further thought. It is nothing that you need resolve right now.

Mr. Saypol: If we proceed, we proceed in front of the juror.

The Court: No, no, I say, let's proceed with the evidence.

Mr. Saypol: I say, you have to that in front of this juror.

The Court: Yes, you will, but you have alternates here.

Mr. Saypol: That troubles me considerably. Would you give me about three or four minutes to talk to my colleagues about it?

[fol. 449] The Court: All right, go ahead.

Mr. E. H. Bloch: I am talking out of turn, but after all of these facts surrounding this incident, I am satisfied that the juror will be an impartial one.

Mr. Saypol: I don't know.

Mr. E. H. Bloch: I am only speaking for myself now.

Mr. Kuntz: It isn't a question that I am satisfied, that is silly, but I have a duty to our client.

The Court: You want to have something on the record; you are going to raise an objection; you are not going to miss an opportunity.

Mr. Kuntz: You don't know me long enough. I have never been very technical in cases, but I have been a trial man for years and——

The Court: Yes, now note your objection.

Mr. Kuntz: The point is this, that how can I have it on my conscience that maybe I made a slip that would seriously affect the defendant? I don't care to have that on my conscience, and I assure you——

The Court: Well, you are going to have that throughout this entire trial on everything you do, and if it should ultimately be resolved against your client, I know that you will have it on your conscience that maybe you didn't do enough, you will say to yourself.

[fol. 450] Mr. Kuntz: What I don't know, I don't know. What I judge on some facts and other facts I do not have, that is a different thing, but when I know a thing, and then I take what we call " a gamble", I think it is a serious business for a lawyer and I have never gambled in my life.

The Court: What would you suggest? Are you asking that one of the alternates be seated in place of No. 4?

Mr. Kuntz: That is what I would like to discuss with the others.

The Court: I am not saying I want to do that.

Mr. Kuntz: I am just expressing my doubts. I want you to know I am sincere in this. I have certainly been around the courts for——

The Court: I am just as convinced that this man's mind is absolutely open, that he is an honest witness and it doesn't make any difference to him whether Mr. Kilsheimer is related to Mr. Hamilton or whether he knows him or doesn't know him.

Mr. Kuntz: I don't doubt the man is honest.

The Court: I think it is much ado about nothing. All right, do you want to go ahead, Mr. Saypol?

Mr. Saypol: Just give me two or three minutes. The state of the record is where Mr. Bloch is satisfied and Mr. [fol. 451] Kuntz, isn't?

The Court: That is correct; the record will so indicate.

Mr. Saypol: (After discussion with colleagues) This Sacher business is a kind of a dilemma, but since Mr. Bloch is satisfied, I am satisfied to let the matter stand at status quo.

The Court: Are you satisfied?

Mr. Kuntz: I always go by the majority.

Mr. E. H. Bloch: I think in a sense it is a calculated risk on everybody's part.

The Court: Then you all withdraw any objection to it?

Mr. A. Bloch: None.

Mr. Phillips: None.

Mr. Saypol: None.
Mr. E. H. Bloch: None for the defense.
The Court: All right, the record in clear.
Send for the jury, please.

(Jury in box.)

The Court: Ladies and gentlemen, there has been a slight delay this morning because of some points of law that came up, that counsel wanted to discuss with the Court, and I thought best that it be discussed outside the presence of the jury, so you will forgive us again for this [fol. 452] delay.

Proceed.

MAX ELITCHER, resumed the stand.

Cross-examination continued.

By Mr. E. H. Bloch:

Q. I am going to stand all the way back here now so that it might help you in keeping your voice up.

A. Yes, sir.

Q. Now, just to refresh your recollection for one moment, I think we had come to a point in my examination where we were talking about that visit or trip of yours to New York sometime in the latter part of '46 or early part of '47, when you came to Rosenberg's house?

A. That's right.

Q. And I think I was questioning you as to whether or not your wife accompanied you?

A. That is correct.

Q. Now, after this lapse from yesterday afternoon to this morning, have you done any thinking during that period?

A. Yes, slight; I haven't thought about the subject.

Q. Can you now tell us whether or not your wife accompanied you at that time to New York?

A. I don't recall, sir.

Q. Can you tell the Court and jury with definiteness whether or not on that trip you traveled at Government [fol. 453] expense?

A. Oh, no, I don't recall. I know that I made numerous trips to New York at Government expense. In addition, I did come up on leave. I don't recall on what occasion that particular visit occurred.

Q. Now, do you remember being asked by Mr. Saypol on your direct examination yesterday the following questions in connection with this particular trip that we are talking about now:——

Mr. Saypol: Just a minute, Mr. Bloch. Excuse me.
Mr. E. H. Bloch: I am sorry, I will refer to the page.
Mr. Saypol: That's right; that is what I seek.
Mr. E. H. Bloch: Page 338 and 339.

Q. (Reading) "Q. What did you say to him and what did he say to you?"——

Mr. E. H. Bloch: It is all the way down the bottom of the page, Mr. Saypol.
Mr. Saypol: I have it.

Q. (Continuing) "A. Well, I called him and said, well, I was in the city on official business. I believe, I called him and told him I would like to see him and he said to come over."

Now, that was only yesterday; isn't that correct?

A. That is correct.

Q. You gave that answer to Mr. Saypol's question, that [fol. 454] I just read?

A. Yes.

Q. Now, I ask you again whether or not, having heard the question propounded to you by Mr. Saypol on direct, and the answer that you gave to that question, whether that refreshes your recollection as to whether or not you came up here on that trip on official business?

A. No, I haven't been able to recall that for some time. This is not the first time that I had thought about the question or had been questioned concerning it. I have not been able to recall which, on what occasion it was. Otherwise I would have said so yesterday. That is why I said I thought it was official business, because I made more trips on official business than any other way.

Q. Well, didn't you tell us that you made this trip for the purpose of discussing this espionage business with Mr. Rosenberg?

A. Yes.

Q. And you say, despite that fact and despite the further fact that at or about that time you told Mr. Rosenberg that you were in a more receptive frame of mind, you nevertheless cannot tell the Court and jury, one, whether or not your wife accompanied you, and two, whether or not you came here on official business?

A. That is correct.

Q. You are hazy about that, aren't you?

A. No.

[fol. 455] Mr. Saypol: That is argumentative, if the Court please.

Mr. E. H. Bloch: This is cross, your Honor.

The Court: Well, I know, but he has answered it.

Mr. E. H. Bloch: All right.

Q. Now, when you were first brought down for questioning here to the Federal Building by the two FBI representatives that you told us about yesterday, that was in June 1950?

A. July.

Q. July, 1950?

A. July.

Q. Did the discussion or conversation between you and the FBI agents proceed by method of question and answer, as distinguished from a narrative form of statement by you, as to what you knew?

A. Well——

Q. About the matter?

A. It wasn't what you might say a formalized question and answer. They asked questions; I talked; they asked questions and I continued. It wasn't a direct answer to a question, as I remember it.

Q. Well, is it fair to say that you were asked questions and then you were given a high degree of latitude in continuing to respond, in unfolding your story?

A. Yes.

Q. And you had plenty of opportunity to say what you

thought was responsive to what the FBI agents were seeking to elicit from you; is that right?

A. Yes.

[fol. 456] Q. Nobody at that time tried to stop you in what you had to say?

A. That is correct.

Q. Now, did you at that time tell the FBI agents anything about this conversation, which you testified about, with Sobell, while you were driving with Sobell from your home to Catherine Slip, and where you stayed in the car and Sobell got out, and where Sobell is alleged, according to your testimony, to have said to you, "Rosenberg said not to worry about Bentley," or words to that effect?

A. I did not.

[fol. 457] Mr. Saypol: Just a moment. I object to the question and ask that the answer be stricken. The question consists of a series of questions not related. It is not clear on the record as to what counsel refers to or what the witness refers to.

The Court: Did you understand the question?

The Witness: I believe so.

The Court: All right. I will let it stand.

Q. Well,——

Mr. Saypol: Just a moment, please. I am not clear as to what it is the witness didn't tell the FBI.

The Court: All right. Re-read the question.

(Question read.)

The Court: Now did you understand that question?

The Witness: I believe so.

The Court: And did you understand that counsel is directing your attention to a particular subject matter? He is asking you whether with respect to that subject matter you ever told the FBI anything about the matter that he indicates in his question.

The Witness: I believe I did.

Mr. Saypol: Here is one of the things that strikes me as incongruous about the question: there has been no testimony from this witness that Rosenberg and he talked about Bentley. He testified that he talked with Sobell about that

[fol. 458] afterwards in the car. He didn't say that Rosenberg told him that.

Mr. E. H. Bloch: And I am not imputing anything like that.

Mr. Saypol: The question implies that. The question states that.

Mr. E. H. Bloch: I think the question is proper, your Honor, but I want to satisfy Mr. Saypol.

The Court: Now look, I want to tell you something: if there is something that you believe should be added at the end of your answer, which will explain in more detail for the Court and jury the thought you are trying to get across to us, you ought to do so.

The Witness: All right. I don't have anything.

By Mr. E. H. Bloch:

Q. Let us try to make it as simple as possible. Did you mention the name of Bentley when you were first brought down for questioning in June 1950 to this building to the FBI agent?

A. I did not.

Q. Did you tell the FBI agent anything about this automobile trip which you took with Sobell from his home to Catherine Slip? And that is the time you had just driven with your family from Washington.

A. I did not.

[fol. 459] Q. You did not?

A. No.

By the Court:

Q. Where did you say Catherine Slip is?

A. Well, on the East Side Drive adjoining the Journal-American building.

Q. Is that anywhere near Monroe Street?

A. Near Knickerbocker Village.

Q. Speak up.

A. I now know it is near Monroe Street or Knickerbocker Village.

By Mr. E. H. Bloch:

Q. Now as a matter of fact, Catherine Slip is so near that Knickerbocker Village project that you can see it from Catherine Slip, can you not?

A. Well, there are buildings in the way. I don't know. At that time it was night and I hadn't any idea where I was anyway.

Q. You had been to Knickerbocker Village prior to that time when you went with Sobell in his automobile to Catherine Slip?

A. I had been there prior, yes. But I had no idea where it was in relation to where I was then.

Q. It is a big development, isn't it?

A. Yes.

Q. Now, at the time you were brought down here for the first time for questioning and after the questioning proceeded the way you described and your answers were [fol. 460] not interrupted and so forth, did you sign any statement?

A. Yes, I did.

Q. Who prepared that statement?

A. Well, it was prepared by me but written by one of the FBI Agents.

Q. See if we understand you correctly; You said in words to one of the FBI agents what you wanted to say and he wrote out what you told him to write out; is that correct?

A. Yes.

Q. And the main body of the statement is in the FBI's handwriting but you appended your signature at the end?

A. That is correct.

Q. Now, is there any other incident that you have testified to on direct examination and on cross-examination up to now which you did not disclose to the FBI at the time you made that first statement?

Mr. Saypol: I object to that question as to form.

The Court: I will sustain it.

Mr. Saypol: As a matter of fact there were other things unrelated to this case that this witness told the FBI.

Mr. E. H. Bloch: Now I object to any statement.

The Court: I sustain it.

Q. Did you tell the FBI about the June 1944 incident?

A. Yes.

[fol. 461] Q. But you did not tell them that it occurred in June, 1944; is that not correct?

A. That is correct. I was not clear.

Q. In fact, you told them your recollection is that it occurred in the latter part of 1943 or the early part of 1944, is that correct?

A. That is correct.

Q. Did you tell them about the next meeting after June 1944 that you had with Rosenberg?

A. Yes, I did.

Q. You did tell them that?

A. About the next meeting.

Q. Do you know which next meeting I am referring to?

A. I remember my first testimony, yes. Tell me which meeting it was.

Q. Suppose you tell us now, what was the next time after June 1944 that you saw Rosenberg?

A. In the middle of the summer at his home.

The Court: In what year?

The Witness: In 1944.

Q. Did you tell the FBI men at that first meeting about that summer incident?

A. About the summer incident?

Q. Yes.

A. Yes, I did.

Q. You told them that you came up to New York?

A. Yes.

Q. And that you had dinner with Rosenberg and some [fol. 462] other people?

A. Yes.

Q. Did you tell them about the next time you saw Rosenberg?

A. Yes.

Q. And do you remember the next time you saw Rosenberg?

A. In the middle of 1945, yes. The summer of 1945.

Q. Where was that?

A. At his home.

Q. Is that the time you slept over?

A. Yes.

Q. Did you tell the FBI man and was it incorporated in

your statement that you came up here in the summer of 1945 and slept over at the Rosenberg home?

A. I believe I did, yes.

Q. Are you sure?

A. Yes. I don't recall everything in that statement. I told them of all these incidents and I believe I told them about that one too.

Q. After you signed that statement did you read it?

A. Yes.

Q. That day?

A. Yes.

Q. Did you read it at any time subsequent to that or did you read a true copy of it at any time subsequent?

A. I don't believe I have looked at it since. I didn't look at it since, no.

Q. Was it ever shown to you?

A. No.

Q. Did you ever discuss the contents of it with anybody?

[fol. 463] A. The specific contents of that one?

Q. Yes.

A. No.

Q. Well, when you signed the second statement wasn't there some reference to what you had said in your first statement?

A. Yes.

Q. And when you discussed the third statement wasn't there some reference to what you had said in your second statement and your first statement?

A. Yes.

Q. So that you did have the contents of that statement brought home to you after you signed it on that first day you came down here in June 1945?

A. Well, it might not have been in the terms of what the statement said, but in terms of what I was telling and what I knew. References might have been made to the statement as things that were said.

Q. That is right. By whom?

Mr. Saypol: Let him finish, please.

Q. I am sorry.

A. By the agent and by people in Mr. Lane's office.

By the Court:

Q. But after that first occasion when you read it and signed it, were you ever given that first statement again to read?

A. No, not to read. There were refinements made in the first statement, and obviously there were references made [fol. 464] to it.

Q. But you were not handed the first statement?

A. No.

Q. And have the first statement before you when you made the second statement?

A. No.

Mr. E. H. Bloch: The only objection I want to make at this time is the witness's use of the word "refinement". The question whether or not it was a refinement or not——

The Court: It will stand.

Mr. E. H. Bloch: Or a substantial variation. I respectfully except.

By Mr. E. H. Bloch:

Q. Was that statement that you signed the first time you came down here physically before anybody who was discussing that statement with you subsequently?

A. Oh, yes.

Q. Who had it before him?

The Court: I don't see the materiality of this.

Mr. E. H. Bloch: I am getting to something, your Honor.

The Court: I think you are going into unusual detail and I have given you wide latitude. What difference does it make if somebody else had it before him?

Mr. E. H. Bloch: If the Court please, I don't hesitate [fol. 465] to tell the Court, and I am sure the Court is keen enough to see it long before I even think about it, that I am trying to lay a foundation for showing a discrepancy between what the witness has testified to now and what he told the authorities on the previous occasions.

The Court: I assume you are trying to do that. You haven't shown it as yet.

Mr. Saypol: I move to strike that from the record as argumentative.

The Court: No, no. I have asked.

Mr. E. H. Bloch: It is a question of law now.

The Court: Now that is all I will have on the subject. I will have no more on the subject. I know what you are trying to do. I still don't see how it helps if somebody else had the statement before him.

Mr. E. H. Bloch: Well, if the Court please, I am going to follow that up.

The Court: Please follow it up and bring this phase of it to a conclusion.

By Mr. E. H. Bloch:

Q. Who was the first one who suggested the name "Bentley" to you?

A. I believe——

Mr. Saypol: Just a moment. I object to the question as to form. There was no suggestion. There was a direct conversation.

[fol. 466] The Court: I sustain that.

By the Court:

Q. Did anybody suggest Bentley to you, or did you state the name of your own volition?

A. Well, I don't recall. I believe that someone during some interrogation said did I have anything to do with Bentley, but it wasn't in relation to this particular testimony that I gave about that trip.

By Mr. E. H. Bloch:

Q. Now, when that someone asked you whether you had anything to do with Bentley, had you already stated to the FBI anything about this conversation that you had with Sobell in his automobile where you claim that he said to you that Rosenberg had said that he wasn't worried about Bentley?

A. I don't think so.

Q. In other words, the word Bentley or the name Bentley was projected into your mind by somebody either in the FBI or on the prosecuting staff of the United States Government, is that correct?

Mr. Saypol: I object to that.

The Court: I will sustain that.

Mr. E. H. Bloch: I respectfully except.

Q. Well, was that somebody who mentioned the name Bentley connected with the prosecutor's office?

A. Yes.

[fol. 467] Q. Who was it?

A. I don't recall. I am sure it was one of the agents. It was during the questioning period.

Q. Well, in other words, you are now saying that it was a member of the FBI?

A. Yes.

Q. It was one of the two agents who brought you down here for the first time?

A. I had been questioned by more than those two.

Q. I didn't say you weren't; I am just trying to direct your attention to try to refresh your memory as to a particular name now.

A. I don't remember.

Q. Was it Mr. Norton of the FBI?

A. No—I don't remember any of them.

Q. Do you know Mr. Norton?

A. Yes, I do.

Q. Have you been questioned by him?

A. Yes.

Q. Was it Mr. Harrington of the FBI?

A. I don't remember.

Q. You don't remember who mentioned the name Bentley?

A. That is correct.

Q. Do you remember when it was first mentioned?

A. I do not.

Q. Pardon me?

A. I do not.

Q. Do you remember when you first disclosed to the

authorities this particular conversation that you had with Sobell where the name Bentley was mentioned?

A. Yes.

[fol. 468] Q. Is that incorporated in your second statement?

A. Which is my second statement?

Q. Well, maybe I ought to go back over that part of the testimony. Do I understand that you signed three statements?

A. Yes.

Q. All right. Now when I say "second," I mean the second of those three.

A. No.

Q. So that in the first statement you didn't mention this particular conversation where Bentley's name was mentioned by Sobell and in the second statement you didn't mention this particular conversation where Bentley's name was mentioned? Is that an accurate statement?

A. That is correct.

Q. Now, after having called to your attention the fact that this Bentley name was not incorporated in your first or second statement, would that now refresh your recollection as to when you mentioned this conversation about Bentley for the first time to the authorities?

A. I don't understand that.

Q. All right. When did you make that first statement?

A. The first time I was called down here.

Q. When did you make your second statement?

A. The next day.

Q. When did you make your third statement?

A. Quite a bit later. Some months later.

[fol. 469] Q. You made that first statement after you had consulted a lawyer, is that right?

A. That is correct.

Q. After you had already retained a lawyer?

A. Yes.

Q. And after you had been interrogated a number of times by FBI agents and members of the prosecuting staff, is that right?

A. Yes.

Q. Had you made that statement prior to the time you testified before the grand jury here?

A. Yes.

Q. Does that refresh your recollection as to when you made your third statement?

A. I made my third statement much later than my appearance before the grand jury.

Q. I am sorry, I thought you said the opposite. You testified before the grand jury and then you made a third statement?

A. Yes.

Q. Let us go back for just a moment. When did you testify before the grand jury the first time?

A. The middle of August.

Q. Did you testify on more than one occasion before the grand jury?

A. Yes.

Q. How many occasions?

A. Two times. Twice.

Q. Now, the first one was in August. I believe August 15th?

A. 1950.

Q. After you came back from your vacation?

A. Yes.

[fol. 469a] Q. When was the second time?

A. About a month ago. Perhaps a little longer. About a month ago.

Q. About a month ago?

A. Yes.

[fol. 470] Q. That would be January or February, 1950, approximately?

A. Yes.

Q. 1951, I am sorry.

A. 1951.

Q. How many months or how many weeks or how many days after you first testified before the grand jury did you sign that third statement?

A. It was sometime near the end of the year, the end of 1950.

Q. Just about three months ago?

A. Well, at least that, yes.

Q. Now, when you testified before the grand jury for the first time did you mention the word "Bentley"?

A. Well, I don't remember whether I actually testified to it before the grand jury, whether that question was asked. I had——

The Court: You had what?

The Witness: I had already told the FBI about this trip.

Mr. E. H. Bloch: I move to strike out the answer as not responsive.

The Court: I will let it stand.

Mr. E. H. Bloch: Well, I am going to ask it again, if your Honor please.

Q. I am going to ask you a very simple question. Did you mention the name Bentley at any time during your interrogation before the grand jury the first time you [fol. 471] testified before the grand jury?

The Court: Don't answer. It has been answered. He said he wasn't asked, but he had already told the FBI about it before.

Mr. E. H. Bloch: I am not asking him——

The Court: It has been answered. Let us have no further argument.

Proceed, Mr. Bloch. He said no he wasn't asked before the grand jury.

Q. And you didn't tell them? You didn't tell that name before the grand jury?

Mr. Saypol: That is repetitious.

The Court: He said he didn't tell it because he wasn't asked before the grand jury.

Mr. E. H. Bloch: I just wanted to get that in the record.

Q. Now, do you remember ever attending a social function at the Rosenbergs' house during Christmas week of 1947?

A. 1946. I did attend one in 1946, if I may correct you.

Q. And do you remember particularly when that party was held?

A. Yes. In Christmas week of 1946.

Q. Did you tell us anything about that visit to Rosenberg's house on direct examination?

A. No.

Q. You forgot about that, didn't you?

[fol. 472] Mr. Saypol: Just a moment. I object to that. The witness——

The Court: Yes, I will sustain that.

Mr. E. H. Bloch: I respectfully except.

The Court: He wasn't asked about it, if I remember, and it might have been nothing material to the Government's case. There is a certain inference in your question that he deliberately withheld it.

Mr. E. H. Bloch: I think if your Honor please, and with all due respect to your Honor that the jury has to determine whether his failure—oh, I am sorry, I will even be more specific; in cross-examination of the witness I was asking him particularly about certain meetings and he didn't state to the Court or to the jury about this particular meeting.

The Court: But I don't think you had ever gotten to that point. I think when you finished yesterday you were in 1945 some place.

Mr. E. H. Bloch: Well, if your Honor please——

The Court: Well, let us not argue.

Mr. Bloch: I see that we don't see eye to eye on it and I take an exception to your Honor's ruling.

The Court: I am not interested whether you see eye to eye with me on it. I have made a ruling. Please proceed.

[fol. 473] Mr. E. H. Bloch: All right. I take an exception.

Q. Now, I ask you, was your wife present at the time you were at this social function at the Rosenbergs' house in Christmas week or during Christmas week of 1946?

A. Yes.

Q. Was it 1946?

A. I am sure it was 1946.

Q. It is your recollection it was 1946?

A. Yes.

Q. You didn't sleep over with your wife at the Rosenbergs that night, did you?

A. No.

Q. Now, was there any other occasion where you were at the Rosenbergs' house attending some social function during Christmas week in subsequent years?

A. No.

Q. Just that one time?

A. Yes.

Q. But that you remember?

A. Yes.

Q. Did you tell the FBI about that visit to Rosenberg's home?

A. Yes.

Q. When?

A. The first time.

Q. Did you ever meet Mrs. Ruth Greenglass at the office of your attorney?

A. No, I did not.

Q. Were you ever introduced to her?

A. No.

Q. At any time?

A. No.

Q. And at any place?

A. No.

Q. Would you recognize her if you saw her?

A. No.

[fol. 474] Q. Did you discuss the subject of your testimony or anything relating to the issues in this case with anybody including your wife, who is going to be a witness in this case, or it was suggested might be a witness in this case?

A. Except for my attorney, no.

Q. Except for your attorney?

A. No.

Q. You have never seen anybody who might be a witness?

A. Oh, I have seen people who might be a witness.

Q. Were you introduced to them?

A. No. I will answer that question as no.

By the Court:

Q. Do you know the defendant Greenglass?

A. No, I don't. My answer is I don't know who is going to be a witness. That is all.

Q. But you say you don't know the defendant Greenglass?

A. No, I don't know Greenglass or his wife.

By Mr. E. H. Bloch:

Q. When did you first find out that your attorney Mr. Rogge, and his associates represented Mr. and Mrs. Greenglass?

A. The day I went to their office and asked whether——

Q. Who recommended you to Mr. Rogge's office?

A. No one.

Q. Had you read about David Greenglass at the time [fol. 475] you first went down to consult with Mr. Rogge?

A. Yes.

Q. Or Mr. Fabricant, as the case may be?

A. Yes.

Q. Did you discuss his retainer in terms of his having represented or already having been retained as the attorney for Greenglass?

A. No.

Q. Did it ever enter your mind that was something that should have been said about Mr. Rogge's already representing a defendant in this case?

Mr. Saypol: I object to that.

The Court: What is the relevance? I don't see its relevance at all. I will sustain it.

Q. Did Mr. Rogge tell you that David Greenglass was a defendant in this case?

A. Well, Mr. Fabricant told me.

Q. That David Greenglass was a defendant in this case? Did he tell you that?

A. The case was not mentioned as a case. They told me they were defending Mr. Greenglass.

Q. And at that first conversation with Mr. Fabricant was the name Julius Rosenberg mentioned?

A. Yes.

Q. And was it brought home to your attention that Julius Rosenberg was the brother-in-law of David Greenglass?

A. Yes.

Q. Now, at the time you went down to see Mr. Rogge, Mr. Rosenberg had already been arrested, had he not? [fol. 476] A. Yes.

Q. And Mr. Greenglass had already been arrested at least a month previous?

A. Yes.

Q. Through the occasion?

A. Yes.

Q. And had you read in the newspapers of the purported connection between David Greenglass and his brother-in-law Julius Rosenberg?

A. Yes.

Q. And you didn't ask Mr. Rogge or Mr. Fabricant or any member of this firm anything about any duality—if I use any words that seem technical, correct me—any duality in representing you on the one hand and a defendant in this very same situation on the other?

Mr. Saypol: I object to it.

The Court: Overruled. He may answer.

A. Well, can I answer that in narrative form as to what happened?

The Court: Sure.

The Witness: Well, we went down to Mr. Rogge's firm with our recommendation. We got there and we were referred to Mr. Goldman of the firm, and Mr. Fabricant was called in too, and we told them what our position was, that we were attached—we had been questioned.

Q. When you say "we", you mean you and your wife?

A. Yes. My wife was with me. We wanted counsel in regard to some implication in these affairs of Rosenberg. [fol. 477] They told us then that they were employed by Mr. Greenglass, which was a great surprise to us. We almost left—we felt it was time to leave because there might be, as you say, a duality. The lawyers apparently went outside and discussed the matter and they came

back and said they felt that they could handle our case if there was no conflict of interest, and we were quite happy to have them.

Q. Now, prior to the time that you went down to Mr. Rogge's office was any mention made here in the Federal Building by anybody, whether it be a Federal man or whether it be a member of Mr. Saypol's staff or whether it be you, about Mr. Rogge?

A. No.

Q. Was his name ever mentioned?

A. No.

Q. Prior to the time——

A. No.

Q. You went down to consult with him and eventually retained him?

A. No.

Q. Now, I think you told us on direct examination that just a few days ago you terminated your employment with the Reeves organization?

A. That is correct.

Q. And you are presently unemployed?

A. That is correct.

Q. Were you fired?

A. Well, I was asked to resign.

Q. When was the first time that you had any knowledge or information that your employer was considering [fol. 478] terminating the relationship?

A. Two weeks——

The Court: Go ahead.

The Witness: Two weeks prior to that.

Q. Did you buy a new automobile within the last two weeks?

A. Yes.

Q. When you bought that automobile did you have any worry in your mind about any future prosecution by the Government against you?

Mr. Saypol: I fail to see the relevancy.

Q. Because of a possible charge of perjury?

Mr. Saypol: I fail to see the relevancy.

The Court: I will let him answer.

Mr. Saypol: Will your Honor hear me?

The Court: You say there is no relevancy. I am inclined to agree with you but I am going to let him answer.

Mr. Saypol: Will your Honor let me state on the record my objection? I think the cross-examination is taking a turn which is wholly unfair to the prosecution. First there is an implication that the United States Government recommends lawyers and witnesses to defendants.

The Court: Well you had better be prepared, Mr. Saypol for many, many more implications by the defense in this trial. That is not unusual, but as I have told the jury before they are not to decide this case based on in-
[fol. 479] ferences from questions, but from replies of the witnesses.

Mr. Saypol: Your Honor will remember that it was a man like Al Smith who once said you can stand getting some things but you can't get used to them. I don't think it is fair.

The Court: Yes. Alfred E. Smith also said let us take a look at the record.

Mr. E. H. Bloch: I assume your Honor is permitting the witness to answer.

The Court: Yes, I am.

The Witness: The question was whether I was worried? Yes, I was.

Q. You bought a car nevertheless?

A. Yes. I felt that it was no difference in money. If I was to be prosecuted I could transfer it into funds. If I was not, I would have the car.

Q. Did you pay cash for the car?

A. No. It is on time payments.

Q. Did you pay any cash?

A. Yes.

Q. Did you pay at least one-third of the purchase price?

A. Yes.

Q. How much was the purchase price?

A. About $1,900.

Q. So you did pay somewhere in the neighborhood
[fol. 480] of over $600. cash?

A. Yes.

Q. Tell me, Mr. Elitcher, have you ever been treated by a psychiatrist?

A. Yes.

Q. When did you first consult a psychiatrist?

A. In the summer of 1947.

Q. Did you then undergo some treatment?

A. I don't know what you mean by treatment.

Q. Well, I am using it in the very loose sense of the word.

A. Yes.

Q. You went to a psychiatrist who was supposed to be a physician of sorts, dealing with mental disturbances. Did he consult with you and discuss your problems with you and treat you the way a psychiatrist usually deals with patients who seek advice and guidance?

A. Yes.

Q. How long did you continue being treated by a psychiatrist?

By the Court:

Q. Did the treatment consist of a discussion with the psychiatrist?

A. Yes.

Q. It didn't include any so-called shock therapy or anything of that character?

A. No, there was no therapy at all. No shock or other therapy involved.

By Mr. E. H. Bloch:

Q. How many times in all did you see a psychiatrist since 1947?

A. Well, I saw a psychiatrist in Washington for about [fol. 481] a year. That was in the summer of 1947 to the summer of 1948, and I have seen one here for a similar period.

Q. When you say you saw a psychiatrist in 1947 and 1948. I think we would like to find out how continuous were those visits.

A. Approximately twice a week excluding perhaps vacation and holidays.

Q. That was for an entire year?

A. That is correct.

Q. And is it not a fact that at or about that period your wife also underwent psychiatric treatment?

A. Yes.

Q. And do you know of your own knowledge, how often she consulted a psychiatrist and was given treatment?

A. It was either two or three times a week. Approximately the same treatment.

Q. 1947 and 1948?

A. No. She had been going prior to that time.

Q. How long prior to that time?

A. Almost six months prior to that.

Q. Now then there came a time of course, in June 1948 or July 1948 when you left Washington with your family?

A. Yes.

Q. And came up here to New York?

A. Yes.

Q. And you have been a resident of Flushing ever [fol. 482] since, is that right?

A. Yes.

Q. Now, when did you again get psychiatric treatment?

A. Well, it was again in the summer of 1948-1949.

Q. About a year later?

A. Yes.

Q. A year elapsed between the time you terminated going to a psychiatrist and getting psychiatric treatment in Washington and the time when you commenced here in New York?

A. Yes.

Q. Getting treatment?

A. Yes.

Q. In the summer of 1949?

A. That is correct.

Q. And how long did you continue being treated by the psychiatrist?

A. Until July 1950.

Q. And how often did you visit the psychiatrist during that latter period that you are talking about?

A. Twice a week.

Q. How long were the sessions usually?

A. Three-quarters of an hour.

Q. And how about your wife?

Mr. Saypol: Now I think at this stage I will object to it. I have allowed counsel——

Mr. E. H. Bloch: This is my last question.

Mr. Saypol: That is all right, but——

The Court: If it is the last question let us get it.

[fol. 483] Mr. E. H. Bloch: Be thankful that you are getting rid of me.

Q. Did your wife also resume her psychiatric treatment after she got back to New York?

A. Yes.

Q. Did both of you go to the same psychiatrist?

A. No. That is not done.

Mr. E. H. Bloch: Now I am through with this witness temporarily. I say temporarily because I don't want to make any request at this time with respect to the statements until I give my colleague here an opportunity to cross-examine. He made a list of things which I might not have brought out. So I hope your Honor will reserve to me the right to do that.

The Court: We will take a short recess at this point.

(Short recess.)

[fol. 484] (Jury in box.)

The Court: Any cross-examination, Mr. Bloch, Sr.?

Mr. A. Bloch: No, I am not cross-examining this witness.

The Court: Very well.

Are you going to cross-examine, Mr. Kuntz?

Mr. Kuntz: Yes.

The Court: You are going to cross-examine this witness?

Mr. Kuntz: Yes.

By Mr. Kuntz:

Q. Mr. Elitcher, I believe that you told this jury that from 1939 to 1941 you and Sobell lived together a great deal at that time?

A. Yes.

Q. I believe you also told this jury that between those dates, during that time, you worked for the Bureau of Ordnance, Navy Department?

A. Yes.

Q. And Sobell also worked for the Navy Department?

A. Yes.

Q. Bureau of Ordnance?

A. Yes.

Q. Did similar work?

A. Similar, yes.

Q. During all that time, Mr. Elitcher, '39 to '41, did Sobell ever ask you for any document belonging to the United States Government?

A. No.

Q. During all that time, Mr. Elitcher, did Sobell [fol. 485] in any way offer you any documents belonging to the United States Government?

A. No.

Q. Did Sobell, by word or action or intimation of any kind, suggest to you that you take United States Government material?

A. No.

Q. Sobell was a studious sort of a fellow, was he not?

A. Yes.

Q. He is today, is he not?

A. Yes.

Q. And he has become known as somewhat of an expert in his line, has he not?

A. Yes.

Q. As a matter of fact, up at General Electric he did very important work, did he not?

A. Yes.

Q. So that when you visited General Electric, you didn't only visit Sobell as a friend, but you visited him in connection with your work, did you not?

A. No,— I mean—visit him? No, the answer stands.

Q. You scientists were working on various projects for the United States Government, were you not?

A. Yes.

Q. By the way, a great deal of Morton Sobell's work was research, was it not?

A. Yes, I think so.

The Court: Speak up.

A. Yes, I would say so.

Q. And a scientist, in doing research, in order to do a good job for his employer or for the United States [fol. 486] Government or for himself, looks into every angle that might have some relationship to his work, does he not?

Mr. Saypol: I object to that.

The Court: I will overrule it.

Mr. Saypol: That is argumentative.

The Court: I will overrule it.

A. Yes.

Q. So that when Sobell asked you in Schenectady whether there was any material on certain phases of work, you took it that he was asking you as a scientist, did you not?

A. No.

The Court: When was that in Schenectady, what year?

The Witness: '46.

Q. Sobell's job also for the Government was to get you personnel, was it not?

A. No, not that I know of.

Q. Don't you know about that?

A. Well—

The Court: Was it on that visit in Schenectady that Sobell asked you to see Rosenberg?

The Witness: Yes—no, not that one, but a visit.

Mr. Kuntz: I object to the interjection by the Court.

The Court: Your objection is overruled. I will ask questions whenever I think I ought to.

[fol. 487] Mr. Kuntz: Well, it seems to——

The Court: You proceed. Let's not argue the point.

Q. Well, let's take that up; let's take that up. In June, 1944, you said you had a conversation with Rosenberg?

A. Yes.

Q. He made proposals to you?

A. Yes.
Q. You did not accept those proposals, did you?
A. I——
Q. Did you accept them?

Mr. Saypol: Won't counsel give the witness a chance to answer?
Mr. Kuntz: Well, it is a very easy thing to answer whether a man accepted or not.
The Court: Give him a little chance to think.

A. Well, it is a difficult yes or no answer. I accepted, in that I didn't reject the idea, and I was going along with it, and I thought I might——
Q. You accepted——

The Court: Wait a minute.
Mr. Kuntz: I am sorry. When I am wrong I will admit it.

A. (Continuing) So it was I accepted, yes, but I qualified it.
Q. You accepted it, yes, but you qualified the acceptance. [fol. 488] A. That is correct.
Q. Well now, the invitation to you was to get Government documents, was it not?
A. Yes.
Q. Now let's see whether you accepted it with or without qualifications. Did you go and get any Government documents?
A. No.
Q. I am talking now about the '44 conversation?
A. No.
Q. As the result of that '44 conversation, you did not, did you?
A. No.
Q. Did you communicate in any way, after Rosenberg's conversation with you, with Sobell?
A. Communicate?
Q. Yes.
A. I spoke to him yes.
Q. When?

A. I spoke to him—I went on vacation with him in '44.
Q. I didn't ask you that.
A. I spoke to him then.
Q. I asked you, right after you had the conversation with Rosenberg in early June '44, did you communicate in any way with Sobell?
A. I don't recall any such communications.
Q. Did you check in any way as to whether Rosenberg, as you claim, connected Sobell in the conversation, did you communicate with Sobell to find out and check on it?
A. I have said——
Q. Did you?
[fol. 489] Mr. Saypol: Please let him finish.

Mr. Kuntz: No, I submit I am entitled to answers to my questions and not to answers that the witness may want to give to something else. I think that is a fair way to conduct the trial.
The Court: Will you answer the question?

A. Yes.
Q. You did communicate with Sobell?
A. I spoke to him.
Q. I am talking about——
A. I did not communicate.
Q. I am talking about right after the early June conversation, did you communicate with Sobell?
A. No.
Q. Did you check with him as to whether he was, whether his name was properly mentioned?
A. No.
Q. In that conversation?
A. No.
Q. Did you write to him?
A. No.
Q. About it?
A. No.
Q. Did you telephone him about it?
A. No.
Q. You waited for some three months to take a vacation of a week with Sobell, is that right?
A. Yes.

Q. Well, you didn't take that vacation purposely to check on him did you?

A. No.

Q. So that any conversation you had with Sobell during that week was purely accidental, was it not, in relation to the subject matter of this case?

[fol. 490] Mr. Saypol: That is not the testimony.

Q. Isn't that correct?

Mr. Saypol: That is not the testimony and I object to the question.

The Court: I will overrule the objection. I think the witness can answer.

Q. Isn't that correct?

A. Will you repeat the question?

The Court: Reread the question back.

(Question read.)

The Court: What do you mean by that, "accidentally with respect to time"?

The Witness: Well, I had determined I would mention it when I saw him next. Now, if I didn't see him until a few months later, I would have mentioned it then.

By Mr. Kuntz:

Q. And when you did mention it, Sobell was angry, was he not?

A. Yes.

Q. Afterward, you didn't see Sobell for some time, did you?

A. I don't remember when I saw him next. It would have been for some time.

Q. Well, didn't you see him next up in Schenectady, in '46?

A. Yes. I saw him prior to that time, too.

[fol. 491] Q. You did see him prior to that?

A. I saw him in '45.

Q. When?

A. At his wedding.

Q. Did he say anything to you about getting documents from the United States Government?

A. No.

Q. Did he ask you whether you had gotten documents from the United States Government for anybody else?

A. No.

Q. Nothing was talked about United States Government documents, was it?

A. No.

Mr. Saypol: Is counsel referring to the wedding?

Mr. Kuntz: Counsel will allow the record to stand as it is.

Mr. Saypol: Excuse me. I am sorry; I shouldn't have addressed myself to counsel. I address myself to the Court. Is counsel referring to the wedding as the place where there was no discussion about getting Government secret documents?

The Court: Do you understand——

The Witness: Yes, that is what I understood.

The Court: —that to be the fact?

The Witness: Yes.

Q. And then the next time you saw Sobell was in '46, up in Schenectady; is that right?

A. Yes.

[fol. 492] Q. Sobell didn't invite you up there, did he?

A. No.

Q. Sobell didn't call you in between his wedding in '46, did he?

A. Well—no, I don't believe so.

Q. Sobell didn't write to you between his wedding in '46, did he?

A. No.

Q. Now, on each occasion that you had a conversation with Rosenberg or with Sobell, where they made invitations to you, did you accept those invitations to commit espionage?

A. I accepted the invitations, yes.

Q. Did you get any documents from the United States Government?

A. No.

Q. Did you hand any documents of the United States Government to Sobell?

A. No.

Q. Did you hand any United States documents to anybody in this world, belonging to the United States Government?

A. Not unauthorized.

Q. I am talking about illegally?

A. No.

Q. Did I understand that what Sobell told you in '46 up in Schenectady was, "See Rosenberg"; is that right?

A. Yes.

Q. The words, I mean, in substance; is that right; "See Rosenberg"?

A. Yes.

Q. At the time that he said "See Rosenberg", did he ask you for any documents?

A. Well——

[fol. 493] The Court: Did he tell what to see Rosenberg about?

The Witness: Well, he said—yes, in regard to these pamphlets, as he questioned about these pamphlets, in relation to that he said, well, why don't you go see Rosenberg?

Q. Well now, Mr. Elitcher, you had told Sobell that the pamphlet that had been prepared was unimportant, did you not?

A. Yes.

Q. As a matter of fact, I understood you to say that you told Sobell the pamphlet wasn't even finished?

A. Correct—no, I am sorry. That other pamphlets weren't important. This particular one was not completed.

The Court: I am confused now. What pamphlets are you talking about?

The Witness: Well, first he asked about reports, and I said they were unimportant. Then he asked about this particular Ordinance pamphlet, which is a complete description of the system, and I told him about it being not completed.

The Court: Was that important or wasn't it?

The Witness: That was important.

The Court: And what pamphlet did he ask you to see Rosenberg about?

[fol. 494] The Witness: About that.

By Mr. Kuntz:

Q. That was a pamphlet that wasn't prepared yet?

A. It wasn't completed yet.

Q. You hadn't seen that pamphlet, had you, since it hadn't been completed?

A. No.

Q. The pamphlet wasn't available to be taken way from the United States Government as yet, was it?

A. No.

The Court: Did you know the contents of the pamphlet?

The Witness: The contents, no. There was—I knew what would be in such a pamphlet.

Q. Well, did Sobell ask you in Schenectady what was going to be in that pamphlet, did he?

A. No.

Q. But he said, "See Rosenberg"?

A. Yes.

Q. And that you took to mean about this pamphlet, which was not yet prepared and which you would not in any event be able to take away from the United States Government; is that the pamphlet?

A. Yes.

Q. Isn't it a fact, Mr. Elitcher, that Sobell, at Schenectady and later on, when he came to New York and started to work for Reeves, that he was in a position, an important position, overseeing work of others, in addition to doing his own work?

A. I don't know that to be a fact, at Schenectady.

[fol. 495] Q. How about Reeves?

A. Reeves, he was, yes.

Q. And didn't Morton Sobell tell you, Elitcher, that he was always on the lookout for young engineers, young students, who could fit into the work that he was doing?

A. He told me that at Reeves, yes.

Q. At Reeves, I am talking about Reeves.

A. Yes.

Q. As a scientist, isn't that what every scientist does when he is working on projects, looking for promising young men to work with him?

A. I would say yes.

Q. Talk up please. Let the jury hear you.

A. Yes, I would say yes.

Q. By the way, you use the word "progressive". "Progressive" is also used in the scientific world as people with progressive ideas in science, isn't that it? Talk up?

A. I hadn't answered. Yes.

Q. Let me recapitulate a little bit. Check me if I am wrong. For two years you and Sobell worked together and lived together in Washington and did secret Government work; is that correct?

A. Classified Government work.

Q. Well, classified, O.K. To me it is all the same; classified Government work. He didn't bring home any documents; he didn't ask you for any documents; is that right?

A. That is correct.

[fol. 496] Q. Then he went off to college; he wanted to study some more, did he not?

A. Yes.

Q. He took a year out of his working life to go to Michigan, was it?

A. Yes.

Q. And he took his master's degree there; is that correct?

A. Yes.

Q. And when he graduated, when he got his master's degree, he went to work for General Electric, did he not?

A. Yes.

Q. And up in General Electric you knew he was doing important work, did you not?

A. Yes.

Q. He never turned over any document to you?

A. No.

Q. He never asked you for any document, outside of this unprepared pamphlet?

A. That is correct.

The Court: I want to get one thing clear right here and now.

Mr. Kuntz: I am sorry, I didn't hear you.

The Court: Just a moment.

By the Court:

Q. Did I understand you to say on direct examination, and is it true or is it false, that Sobell asked you while he was employed at the Reeves Instrument Company, if you knew any engineering students whom it would be safe to ask for espionage material?

A. Yes.

[fol. 497] Q. Well, didn't I understand you to say on cross-examination that he had merely asked you for young engineering students who would be helpful in his work at Reeves?

A. That was in addition. He had asked me that, too. That was a different question. May I amend that, sir? He spoke—he told me that he was trying to get engineering students. I don't recall that he specifically asked me if I knew of any for work at Reeves, but he did show an interest in getting people in.

By Mr. Kuntz:

Q. Well, the answers that you gave to my questions were truthful answers, were they not?

A. In substance, yes.

Q. And to continue with the recapitulation, up in Schenectady, in his important work, Sobell didn't offer you any documents, did he?

A. No.

Q. Did he offer you any documents to take over to Rosenberg?

A. No.

Q. You were going to see Rosenberg, were you not?

A. Yes.

Q. Sobell asked you to see Rosenberg, didn't he?

A. Yes.

Q. He didn't offer you any documents?

A. No.

Q. Did he tell you any secrets to tell Rosenberg?
[fol. 498] A. No.
Q. I just want to spend a few minutes' time, if you please, on this occasion when you came up from Washington in the car with your family, and I think that was in June of '48; am I right?
A. It was in July.
Q. July '48, right?
A. Yes.
Q. You were scared to death at that time, were you not?
A. Yes.
Q. You have been scared to death ever since, have you not?
A. Yes.
Q. Talk up. Let these people hear you.
A. Yes.
Q. You had determined that you were going to save yourself, hadn't you?
A. No.
Q. Well, you want to save yourself, don't you?
A. Yes.
Q. And you came in the car to Sobell's house and told him that you had been followed by FBI agents; right?
A. I told him I had been followed. I didn't know who was following me.
Q. Well, you assumed they were FBI agents, didn't you?
A. Yes.
Q. I am not quibbling with you. Correct me if I make any wrong implication here.
A. I just want to get it straight.
[fol. 499] Q. Sobell got angry, did he not?
A. Yes.
Q. He said you shouldn't have come to his place; is that right?
A. Yes.
Q. At that time you knew Sobell was working at Reeves, did you not?
A. Yes.

Q. You knew Sobell was working on important stuff at Reeves, didn't you?

A. Yes.

Q. You knew Sobell was working on Government work at Reeves, didn't you?

A. Yes.

Q. And Sobell told you in July of '48, "Max, you shouldn't have come here", didn't he?

A. Yes.

Q. You didn't offer to take the family and go to a hotel, or anything like that, did you?

A. No.

Q. You insisted on staying, did you not?

A. Yes.

Q. And finally Morton Sobell allowed you to stay with your family; right?

A. Yes.

Q. You were pretty tired from this trip, were you not?

A. I was tired, yes.

Q. And you were worried, too, were you not?

A. Yes.

Q. Well, you told this jury, I believe, that Morton Sobell said he was tired and asked you to drive his car over to—what is the name of that—Catherine Slip?

A. Right, to the East Side. I didn't say that.

Q. What did you say?

A. I said that he said that he was tired and wanted [fol. 500] me to accompany him in case he could not drive back.

Q. Well, do you know how far it is from Flushing to Lower Manhattan?

A. Yes.

Q. How far is it, about?

A. About 10 miles, maybe a little more.

Q. And Morton Sobell told you that he was so tired that he wanted you to accompany him on a 10-mile trip; is that what your story is to the jury?

A. Yes.

Q. Well, did you tell him, "Mort, I am tired; I took more than a 10 mile trip"?

The Court: What time was this?
The Witness: About 9, 10 o'clock, late at night.

Q. Did you tell him, "Morton, I am tired and worried after this long trip of mine"; did you?
A. Well, I told him I was concerned about the following. I didn't tell him I was tired, because I am sure I could continue to drive.

The Court: You were concerned about what?
The Witness: The fact that I was followed. I didn't say I was tired. I could certainly make the trip.
The Court: What was it that precipitated going to Catherine Street at that hour of the night?
[fol. 501] The Witness: He said he wanted to bring something to Rosenberg, he had some material, valuable material, which he wanted to bring to Rosenberg, and he wanted me to accompany him. He didn't identify the material, but he said he had valuable material.

By Mr. Kuntz:

Q. I wish you would keep your voice up. We would like to hear this, too.
A. Well, the thing that precipitated the trip was that Sobell said that he had some valuable material that he wanted to bring to Rosenberg.
Q. He took you along to be a witness to his carrying valuable material; is that it?

Mr. Saypol: Just a moment. That is not the testimony. That is what turns out to be the fact.
Mr. Kuntz: That is the substance of it.
Mr. Saypol: That is the fact.
The Court: Well, we will let the jury determine ultimately what the substance of it is.
Mr. Kuntz: I am satisfied to let the jury determine it.

Q. Did he show you the material?
A. No.
Q. Did he tell you what the material was?
A. No.
Q. Did you ask him what it was?
A. No.

[fol. 502] By the Court:

Q. Did he tell you why he was going at that hour of the night?

A. Yes, to bring it—he said it was too valuable to destroy and he didn't want to keep it around the house because of the danger.

Q. The danger of what?

A. The danger resulting from my being followed to New York, to the house.

By Mr. Kuntz:

Q. He told you all of that; is that it?

A. Yes.

Q. Well now, let me see if I can get this clear in my own mind. You tell us that Sobell was involved in espionage work, don't you.

A. Yes.

Q. Talk up, please?

A. Yes.

Q. And you tell us also that Sobell said he has got some very important stuff, that it is dangerous for him to keep, and he is going to deliver it to Rosenberg; is that right?

A. Yes.

Q. The same day you were being followed by FBI agents, weren't you?

A. Yes.

Q. And you offered to go into the car with Sobell, to take a 10 mile trip, knowing he had dangerous stuff?

Mr. Saypol: Just a minute now. That is not the testimony. It was Sobell who made the suggestion, not the witness.

Mr. Kuntz: May I suggest that the United States [fol. 503] Attorney just make an objection without characterizing whether it was or was not the testimony. If he doubts that it was the testimony, let the stenographer read it, because I don't think it is fair to characterize what is or is not testimony during my questioning.

The Court: Are you finished?

Mr. Kuntz: Yes, sir.

The Court: I sustain the objection.

Mr. Kuntz: I didn't hear your Honor's ruling.

The Court: I sustain the objection, because you are assuming something that hasn't been testified to.

Q. Well, when you say that Sobell told you he had some very dangerous, some very important material to deliver to Rosenberg, did you believe him?

A. Yes.

Q. So that in your own mind at least, if it was important material, it was dangerous to have around, wasn't it, in your mind?

A. I wasn't thinking of it in those terms, no.

Q. But it was fresh in your mind and you were worried that the Government agents were on your trail; is that right?

A. Yes.

Q. Nevertheless, you got into this automobile with Sobell and made that 10 mile trip; is that right?

A. Yes.

Q. By the way, I believe you told us that Sobell [fol. 504] knew that you were being followed; right?

A. I don't know that he knew. He didn't believe it at first, but I guess he felt that perhaps I was. He was skeptical, I think, to the end.

Q. Well now, let's see. You said to him, in substance, "Mort, I have been followed up here from Washington"; didn't you?

A. Yes.

Q. You told him, "I believe it is FBI agents"; is that right?

A. Yes.

Q. Did you suggest to him or did he suggest that because you were followed it might be wiser that you stay home while he takes this 10 mile trip?

A. I think I suggested it. I didn't want to go because I had been followed, and I don't think he suggested that I not go.

By the Court:

Q. What was his reply to that?

A. I beg your pardon?

Q. What was his reply to that?

A. He said he wanted me to go; he was tired and he wanted to make sure that he would make the trip back.

Q. Well, when you went down to your car, did either of you look around to see if you were being followed?

A. We did check as we went outside, as we drove, that no one was following, and apparently no one was, as we could see no one following as we proceeded from the [fol. 505] house to——

By Mr. Kuntz:

Q. Who drove?

A. He did.

Q. Sobell drove?

A. Yes.

Q. That was after he told you he was too tired to drive?

A. Yes.

Q. He drove to Catherine Slip?

A. Yes.

Q. He drove back home?

A. Yes.

Q. You didn't touch that wheel in that trip, did you?

A. Well, yes, I did, I parked the car, but other than that, no.

Q. Well, other than parking the car, you didn't touch that wheel, did you?

A. No.

Q. Then I understand Sobell came back to you and reported a conversation he had with Rosenberg; is that right?

A. Yes.

Q. Now, up to that point, which is July 1948, you had been invited on many occasions, hadn't you, as you claim, to involve yourself in illegal work; is that right?

A. Yes.

Q. But you had not involved yourself in illegal work, had you?

A. Well, I had talked with them, yes, but otherwise, no.

Q. Had you involved yourself in illegal work?

Mr. Sapol: Just a moment. I think that is a con-
[fol. 506] clusion of law. The witness has testified as to what he said.

The Court: Yes, I think that is a conclusion of law.

Mr. Saypol: He has testified to these conversations.

Mr. Kuntz: I will withdraw it.

Q. You had at least not participated in taking or delivering any documents, at least you hadn't?

A. Yes.

Q. And this was over a period of several years, was it not?

A. Yes.

Q. And you want this jury to understand or to believe that Sobell came back and voluntarily reported the conversation to you, which included the word "Bentley" the name "Bentley"?

Mr. Saypol: I object to the question.

The Court: I will sustain it as to the form of that question.

Mr. Kuntz: I respectfully except.

The Court: You can phrase without the preface that "you want this jury to believe", because I assume he wants me and the jury to believe whatever he is testifying to.

Mr. Kuntz: All right.

[fol. 507] Q. And yet you state to this jury that Sobell reported to you a conversation that he had with Rosenberg, in which the name "Bentley" was used: is that what you want your testimony to stand at?

A. Yes.

Q. The name "Bentley" at that time was quite an important name, wasn't it?

A. Yes.

Q. The newspapers had a tremendous amount of material and publicity on Bentley, didn't they?

A. Yes.

Q. She had testified before many committees—before a number of committees, right?

A. She had testified, yes.

The Court: Speak up.

A. She had testified, yes.

Q. And you read in the newspapers constantly about this Bentley lady; is that right?

A. Well, I don't know "constantly". It had occurred a short time ago.

Q. Well, the name Bentley, when it was mentioned, in your mind was rather an important name, was it not?

A. Yes.

Q. Am I correct in my recollection that you testified on your first visit in July 1950, your first visit down here to the FBI, that you reported to them this visit?

A. I did not.

Q. What?

A. I did not.

The Court: Are you referring to the Bentley situation? [fol. 508] Q. I am talking about this trip.

A. The trip down, I did not refer to that on that trip down.

Q. Mr. Elitcher, your contact with Morton Sobell from 1942 to 1948 was very brief, very few in number, and comparatively brief; is that right?

A. Yes.

Q. If I remember correctly, between 1942 and 1948 you only saw Sobell on a very few occasions; is that right?

A. Yes.

Q. This occasion of your trip to Catherine Slip, that loomed rather important in your mind, did it not?

A. Yes.

Q. I presume it loomed important in your mind because Sobell had told you that he had very secret, dangerous stuff with him; is that right?

A. Yes.

Q. As a matter of fact, according to your testimony, the only contact you have ever had in all this time with secret or dangerous stuff was on that trip, that ten-mile trip; right?

A. Yes.

Q. So that loomed very large in your mind; is that right?

A. Yes.

Q. But you didn't tell this to the FBI on the first visit?
A. No, I did not.
Q. Were you trying to conceal it?
A. At the time, perhaps.
[fol. 509] Q. In other words, you were trying to lie to the FBI, weren't you?
A. No. I omitted it, but I didn't—all right, I lied.
Q. Let's not quibble. Was it lying to the FBI, or was it—
A. If they asked me if that was all the testimony—
Q. Well, didn't they?

The Court: Were you finished?

A. (Continuing) If they asked me, "Was that all"? I probably said "No", because I did withhold that particular piece of testimony.
Q. Look, after several preliminaries, let's get back to my original question. See if I was wrong in asking it. You did lie to the FBI, didn't you?

Mr. Saypol: Just a moment now. The test here isn't whether Mr. Kuntz is wrong or not. I object to the question.
Mr. Kuntz: No, the test is whether this witness is wrong.
The Court: Now, supposing we don't have any argument about tests.
Mr. Kuntz: Well, I didn't raise it, Judge.
The Court: All right, let's have no further argument.
Mr. Kuntz: I submit, I can——
[fol. 510]—The Court: Let's have no further argument. Go on with your next question.

By Mr. Kuntz:

Q. Now, answer my question, did you lie to the FBI?
A. Yes.
Q. And in other respects you continued to lie, did you not, by not reporting fully, is that it?
A. Yes.
Q. By the way, when you finally reported this incident of the trip, the ten-mile trip, when you finally re-

ported it to the FBI, you even omitted the name Bentley, didn't you?

A. If I did, it was purely accidental. I hadn't intended to omit it.

Q. All right, I will accept that. Either you lied or you forgot.

A. Yes.

Q. What?

A. Yes. I don't recall whether I had not stated it that first time.

Q. But you did remember, you did remember when one of the FBI agents said, "Did you have any contact with Bentley"? Isn't that right?

A. Yes.

Q. And when they raised the question of Bentley, that was the first time you mentioned Bentley; right?

A. No. When they raised it for the first time?

Q. When they raised the name Bentley with you, that was the first time you told them about Bentley?

[fol. 511] A. No.

Q. I thought you told us a couple of minutes ago that you omitted Bentley?

A. I omitted a portion of the trip downtown to Catherine Slip, on the first occasions.

Q. Look, we went past that.

A. When I decided—to tell about that trip, I told the whole story. They did not bring up the name of Bentley, I did.

Q. Well, now, let's find out. Don't you remember telling Mr. Bloch, Junior, in answer to his questions, that you only told the FBI about Bentley after one of the agents asked you about Bentley?

A. Not in answer to a question, but much after they had mentioned the name of Bentley.

Q. I am just asking you whether it isn't true that you testified here this morning, in answer to a question by Mr. Bloch, that you only mentioned Miss Bentley to the FBI after the FBI suggested that name; isn't that true?

A. Yes.

Q. So that my memory is correct on that, isn't it?

A. Yes.

By the Court:

Q. Well, is that the fact?

A. Well, not right after, in time. That is the way he put it.

Q. Well, now, I wish, Mr. Witness, that you would explain an answer, if it requires explanation, and that [fol. 512] you don't answer simply yes or no, because I am beginning to get a bit confused here. Now what is the answer to that?

A. During the early questioning, they mentioned Bentley; they might have mentioned other names, too, saying, "Did you have anything to do with Miss Bentley"? I said no. That was the end of that. There was no further questioning by the FBI about the name Bentley until I brought up the name of Bentley myself, at a later period.

Q. What you are trying to say is, they did not direct your mind to this particular incident?

A. That is correct.

By Mr. Kuntz:

Q. Are you through?

A. Yes.

Q. Let's take it from there. Didn't you answer my question only a few minutes ago, when I asked you whether it wasn't a fact that you told about this conversation with Bentley after the FBI mentioned Bentley? Didn't you tell us that?

A. Yes, but much later.

Q. Didn't you tell this jury that only two or three minutes ago?

The Witness: I am now confused, sir.

The Court: Well, now, if you are confused, will you answer the question in your own words.

The Witness: Yes, I spoke, I mentioned the name of Bentley to the FBI after——

[fol. 513] Q. I didn't ask that question.

Mr. Saypol: Oh, please.

The Court: Will you continue to answer that?

Mr. Saypol: No.

Mr. Kuntz: Please, Mr. Saypol.

Mr. Kuntz: I object to Mr. Saypol addressing himself to me.

The Court: Very well, don't address yourself to him.

Mr. Saypol: I haven't. I don't intend to.

The Court: Proceed.

A. The name Bentley was brought up by the FBI agents and I said I had nothing to do with Miss Bentley. At a much later period, I told them that the name Bentley had been mentioned to me by Sobell.

Mr. Kuntz: I move to strike out the answer.

The Court: It will stand.

Mr. Kuntz: It is not responsive, and I ask the witness to answer the question I propounded. I submit it is in answer to something but not the question I propounded.

The Court: Don't raise your voice to me.

Mr. Kuntz: I am sorry, Judge; I am sorry, Judge; it means nothing. It is my customary way, your Honor.

The Court: I will accept your answer.

Mr. Kuntz: I have never tried a case in any different way. [fol. 513a] The Court: Proceed.

Mr. Kuntz: I assure you.

The Court: All right.

Mr. Kuntz: All the judges have occasion at times to say the same thing, but after a while they get to know me. [fol. 514] The Court: Very well.

Mr. Kuntz: I am sorry. I suggest that your Honor have my last question read.

The Court: Let me have his question again.

(Question read.)

The Court: All right, I think the subject has been exhausted and I believe he has answered it.

Mr. Kuntz: May I respectfully except.

By Mr. Kuntz:

Q. You never met Miss Bentley, did you?

A. No.

Q. Did this Sobell, in these various invitations to you, that you claim, to commit espionage, did Sobell mention Bentley to you?

A. No.

Mr. Saypol: I object to the question as to its form.
The Court: I will let it stand.

A. (Continuing:) No.
Q. Did Rosenberg, in the invitations to you, ever mention the name Bentley?
A. No.
Q. So, what you told the jury this morning and partially yesterday was the only time Miss Bentley's name was mentioned; is that right?
A. That is correct.

Mr. Kuntz: Thanks a lot.
The Court: Are you through?
[fol. 515] Mr. Kuntz: Yes, sir.
The Court: There is some redirect, I take it, isn't there?
Mr. Saypol: Just one or two questions.
Mr. E. H. Bloch: Before Mr. Saypol goes on redirect, I have a request to make, which I told your Honor I was reserving.
Mr. Saypol: That should be, I think, in camera, in the absence of the jury.
Mr. E. H. Bloch: I am perfectly satisfied.
The Court: All right, come up.

(The following discussion took place at the bench, outside of the hearing of the jury.)

Mr. E. H. Bloch: The defendant Julius Rosenberg now asks the Government to produce for use in this trial, and with respect to further cross-examination of this witness, the following: All written statements signed by this witness and delivered to the authorities of the United States of America;

No. 2, all notes taken by the FBI agents, who took this witness down to the Federal Building here for interrogation in July, 1950;

No. 3, all notes, memoranda or documents made by any FBI agent or any member of Mr. Saypol's staff in connection with the interrogation of this witness, at least [fol. 516] up to and immediately after his testimony be-

fore the grand jury on the first time he so testified before that body;

No. 4, the testimony of this witness before the grand jury, when he testified before that body the first time; and

Lastly, testimony of this witness before the grand jury, when he testified the last or second time.

In support of my application, your Honor, I contend that sufficient has been shown in the cross-examination of this witness to indicate that there were prior contradictory statements made in some or all of those documents or material that I have mentioned, and in the testimony that he gave before the grand jury on the first occasion, to warrant the granting of the application. I think we are well within the rather stringent rule of law with respect to the production of documents of this kind.

Mr. Saypol: Have all counsel been heard on the application?

The Court: I take it you join?

Mr. Phillips: We join.

Mr. A. Bloch: Yes.

Mr. Saypol: The showing required by the cases has not been made; nothing specific is pointed to.

[fol. 517] The rule requires that the showing, when specific, be as to a substantial and a material matter. I, of course, have not finished with my redirect; I haven't had my redirect. On the present showing, there is no basis.

The Court: Well, I don't agree with you, at least insofar as that first statement to the FBI, and if I did, I would do it in the fashion that has at least been indicated by some of the cases. I think that I should examine that first FBI statement. I believe that is the only statement where it has been pointed out that there may be some inconsistency, and I would examine that, and if I find that there is an inconsistency in a substantial manner with what has been testified here in the trial, then, of course, I will have to take the next step on it.

Mr. Saypol: That is the procedure outlined in the cases.

The Court: I shall examine it.

Mr. Saypol: Before your Honor makes a final ruling on that, will you allow me to proceed on redirect?

The Court: Yes.

Is there something you wanted to say?

Mr. Cohn: No, your Honor.

The Court: Yes, you proceed on redirect, and if I so decide that will be done, I will excuse this witness, you [fol. 518] go on with the case; then he will be subject to recall, if it becomes necessary to cross-examine him further.

Mr. Phillips: May I add to this request, while you are examining the first statement there, you must just as well examine the other statements from the same standpoint, as long as it is discretionary with you, as to the rule.

The Court: May I say to you, Mr. Phillips, the cases have held that in the first place there should not be an undue burden placed upon the Court to examine everything. I am perfectly willing—I will admit it is touch and go—and I am willing to give you the benefit of the doubt in examining this statement, and I shall examine this statement. I may even decide to examine the second statement before the FBI, but, certainly, as far as the grand jury is concerned, there hasn't been any inconsistency shown.

Mr. E. H. Bloch: May I point out to your Honor—

The Court: As far as the other statements are concerned, it is my view on the subject that you are asking them to produce notes that somebody else made, and that is not within——

Mr. E. H. Bloch: I may reserve that until these FBI men get on the stand, if, as and when they ever take it, [fol. 519] but at any rate, I would just to refresh your recollection, if I may, in connection with the basis for your Honor's deciding to examine the first statement. I suggest very strongly that the very same testimony which impels you to look at that first statement applies with equal force to the second and third statements, and also the grand jury minutes, particularly with respect to this Bentley business. Obviously, he didn't say that to the grand jury.

The Court: Well now, let us assume that I find he didn't say that to the grand jury. He has already admitted it

here, hasn't he, that he didn't tell it to the grand jury? Isn't that true?

Mr. E. H. Bloch: That is correct.

The Court: All right, he has already admitted, at least in respect to that, he was either a liar or he was wilfully withholding some testimony.

Mr. E. H. Bloch: That is right:

The Court: So you have already before this jury something that weighs on his credibility; isn't that right?

Mr. E. H. Bloch: That is absolutely right.

The Court: Now, what is to be gained? Let us assume that you do find in the grand jury minutes that he didn't tell it before the grand jury. That is the subject which [fol. 520] he has already admitted.

Mr. E. H. Bloch: I think that is a question—incidentally, I may say, that is a tactical approach, from our selfish viewpoint. I think your Honor is absolutely right. I am not at all sure that legally——

The Court: Oh, I think I would be absolutely right in that event, because if anything it might even be cumulative.

Mr. Phillips: It might be worse yet.

Mr. E. H. Bloch: As far as the June 1944 incident, I submit there are also matters of discrepancy.

Mr. Saypol: I should like to know in connection with that, just what are the discrepancies that are intended to warrant the production of that statement or any of them? I haven't heard anything of that at all.

The Court: Well, I have in mind his admission that he lied to the grand jury—not to the grand jury, rather, to the FBI, in the first statement, and he said——

Mr. Saypol: Concerning Bentley?

The Court: Concerning this incident of going to Catherine Street.

Mr. E. H. Bloch: He said that he——

The Court: He omitted it and said that was something he lied about.

[fol. 521] Mr. Saypol: Frankly, I would say I think he made an inadvertent statement with respect to lying. Of course, I will bring that out on redirect.

The Court: Off the record.

(Discussion off the record.)

The Court: Get back to the record.

Let me also say this: You hold up this question until after the luncheon recess. It may be that the Government may decide they are perfectly willing to have me even examine more, I don't know. You discuss it among your associates and we will determine that after the luncheon recess.

Mr. Saypol: May I know if there are any other discrepancies that counsel pointed to?

Mr. E. H. Bloch: Yes, I think the June 1944 incident.

Mr. Saypol: You mean, as to when the first meeting with Rosenberg took place, when Rosenberg called him to his home?

Mr. E. H. Bloch: Yes.

Mr. Saypol: There is a conflict?

Mr. E. H. Bloch: Yes.

Mr. Saypol: I don't know how that is material.

The Court: My own opinion is that it is immaterial.

[fol. 522] Mr. E. H. Bloch: Well, you see, the very incident goes to the heart and force of the accusation made.

The Court: If anything, the incident itself stands; he hasn't changed one word of that. He has said that he gave him a different date.

Mr. E. H. Bloch: That is right.

The Court: I don't see that that is anything. I am now talking in a theoretical sense, as long as we are arguing questions of law. It may very well be that the dates may become more all important. I am not representing to the Court that they necessarily will be.

The Court: Let us assume they do. You have got the date.

Mr. E. H. Bloch: But assuming that they do, it is vital in connection with the preparation of the defense and also in connection with attacking the credibility of the witness to bring out most forcefully the discrepancies in time.

The Court: You have gotten them all already.

Mr. Saypol: How much more forcibly can you have it than from the witness's own mouth. You have got it, you see, the witness has admitted it.

Mr. A. Bloch: Well, my idea was, inasmuch as the first [fol. 523] overt act alleged in the indictment mentions June '44, it may be very important as to whether or not this thing ever occurred.

The Court: It may very well be. You see, his testimony today is unusual. His testimony further is that he told the FBI several months before June '44, but his recollection today is that it was June.

Mr. Saypol: He already answered, in connection with the Normandy invasion.

Mr. E. H. Bloch: There is rather one inclusive approach to this whole question involved in the production of these statements. Basically, the purpose is to clarify the record without any peradventure of doubt, where the witness has made inconsistent statements in a prior written document, not whether he has admitted that he has made the prior inconsistent statement, but whether the fact remains that there is a prior inconsistent statement, in the last event then, I think the rule is that the Court should permit the party cross-examining to use them.

The Court: Well——

Mr. Cohn: Your Honor has ruled.

The Court: I suggest that you discuss between yourselves——

Mr. E. H. Bloch: There is just one further thought I [fol. 524] have, Mr. Saypol. Of course, in a sense we are varying the order of proof by the Court, permitting you to have redirect at this time, before any determination is made on this. I assume, your Honor, that what Mr. Saypol is going to bring out on redirect, that is not going to bear upon the cogency——

The Court: I can't say in advance right at this point. I have told you how I would rule at this point.

Mr. Saypol: I may change the situation on my redirect.

The Court: I don't know, you may; I don't know.

Mr. Saypol: While we are here, may I settle something else? In conjunction with some of my witnesses, there will be testimony by lay witnesses of a scientific and technical character. I have other experts, other witnesses, expert witnesses, to establish that lay testimony as authentic, authentic from a scientific point of view, and

authentic from the point of view that it was related to the National Defense, with all of the accoutrements. I would like first to be allowed to have those experts in the court while the lay witnesses testify, on the premise that that would simplify the examination if the expert hears the [fol. 525] testimony right from the stand; and, additionally, to maintain clarity, I may ask leave on at least one occasion to interrupt the testimony of a direct witness, that is, the direct examination of a witness, when that witness has given that technical evidence, to have the expert establish it, as I conceive.

The Court: That is entirely up to me. Why take it up here now?

Mr. Saypol: I want counsel to know, so that we don't have to waste time when it comes.

Will I be allowed to do it?

The Court: Yes, I will permit you to do it.

Mr. Saypol: And the witness may be in the court:

The Court: That is right.

[fol. 526] (The following took place in open court:)

Mr. Saypol: Will your Honor just bear with us for a moment.

Redirect examination.

By Mr. Saypol:

Q. Mr. Elitcher, you have been examined, you have been questioned here on cross-examination concerning medical treatment by yourself and your wife, by a doctor, by a physician, expert, psychiatrist. Was that consultation and treatment occasioned by some domestic difficulty?

Mr. E. H. Bloch: Well, I object upon the ground that this witness is not an expert and can't answer that. When we get into the field of psychiatry then I must admit we are getting into a nebular——

The Court: But you got into the field and I think you have left a certain implication, which all laymen have, when somebody goes to see a psychiatrist. It may be unfortunate, but all laymen get some impression when they hear that somebody has been to a psychiatrist. I

think this witness should be permitted to tell what motivated him in going to the psychiatrist.

Mr. E. H. Bloch: If that is the purpose, what motivated him, I don't mind that at all, but that wasn't the question.

The Court: He asked him whether

Mr. E. H. Bloch: What occasioned it.

[fol. 527] The Court: All right, let us proceed.

Mr. Saypol: For the protection of the record, if the Court will allow me, I want to make an observation: I could have objected to any examination of that kind on the ground that it was privileged, but I purposely refrained. On the other hand, having been brought out, and I knew about it, I think I have a right to have the whole picture put on the record.

The Court: Go ahead.

Q. What was it that made you go or caused you to go to a psychiatrist, to a doctor?

A. Well, after our marriage we found that we had domestic difficulties and we found it difficult to live with each other. We found that I had personality problems and she had personality problems which prevented a happy existence together. I found it difficult to meet with people, to have a good time, to talk in front of an audience. I think, to jump a step, without the aid that I went to, it would be difficult for me to present myself in front of this audience in this manner, and because of that my wife decided that she would attempt to correct her problems which were of a similar nature to mine, but perhaps not exactly the same. She went to a psychiatrist and felt that she was being benefited by it, but because I wasn't going, so that it would be a two way arrangement, that both of us would be improved by it, she insisted that I go. [fol. 528] It was upon her insistence that I finally did go to a psychiatrist. It was only after I had gone and had been able to recognize some of my problems, that our married life did adjust itself, and I will say right now that it couldn't be much happier as married life goes.

Q. In taking these treatments from the doctor did it require that you remain away from your work?

A. No.

Q. Did you take the treatment during working hours or at times other than those?

A. At times other than working hours.

Q. Did you lose any working time at all as a result of the treatments which you took?

A. No.

Q. In these treatments, did they consist of anything other than conversations between you and the doctor?

A. It did not. In fact, in my case I don't recall that there was any — as I said before, any therapy applied by the doctor to me. It was merely a telling of my life, my problems, and a discussion with the doctor concerning them so that I recognized what my difficulties were; some perhaps slight suggestions as to how to handle the situation, but as I say, essentially there was no therapy even applied to me.

Mr. E. H. Bloch: I move to strike out that portion of the answer in which the witness said that there was no [fol. 529] therapy applied to him upon the ground that he is not qualified to make such a statement and that it has no probative value.

The Court: Overruled.

Mr. E. H. Bloch: I respectfully except.

Q. Did you ever tell the defendant Sobell about the fact that you were taking these treatments?

A. Yes, I did.

Q. There has been some examination here concerning statements, questioning of you by agents of the Federal Bureau of Investigation, by myself and by members associated with me. Do you remember the first day that the agents of the FBI called upon you at your place of employment?

A. Yes, I do.

Q. I think that was July 20, 1950, was it not?

A. I don't know the date. It wasn't in July.

Mr. E. H. Bloch: If you say that is the date we will accept that as the date, Mr. Saypol.

Mr. Saypol: That was the date.

Q. On that first day had you had any prior knowledge of any kind of the fact that the agents were about to call upon you?

A. No.

Q. After they called upon you at your place of employment there was some discussion with one of your superiors there, was there not?

A. After, you say?

Q. That is, at the time they called?

A. Yes.

[fol. 530] Q. And they talked with you?

A. Yes.

Q. There upon was there a suggestion that the discussion, the questioning be taken up at the offices of the Federal Bureau of Investigation rather than at your place of employment?

A. Yes.

Mr. E. H. Bloch: May I ask that Mr. Saypol clarify the question? Suggestion by whom?

Q. Well, in the discussion who suggested that it be continued at the headquarters, at the office of the Federal Bureau of Investigation rather than at your place of employment?

A. The agents asked if I would go down with them.

Q. Was there any force employed?

A. No.

Q. Was there any coercion?

A. No.

Q. Were there any threats?

A. No.

Q. Was there any loud shouting?

A. No.

Q. And so you accompanied the agents to their offices then in this building?

A. Yes.

Q. Now when you arrived at the building, what was the atmosphere in which the discussion went on?

Mr. E. H. Bloch: Objected to as to form.

The Court: Your objection is that it is a conclusion?

Mr. E. H. Bloch: I don't know what atmosphere means, your Honor.

[fol. 531] The Court: Well, be a little more specific.

Mr. E. H. Bloch: It is vague.

Q. Was there great shouting by anybody?

A. No.

Q. Was there great manifestation or force or was there any kind of manifestation of force?

A. No.

Q. Or any threats conveyed to you directly or indirectly?

A. No, sir.

By the Court:

Q. Would you say the agents at all times behaved themselves like gentlemen?

A. I would say so.

Mr. Kuntz: What was your question, Judge?

The Court: Would you say that the agents at all times behaved themselves like gentlemen.

Mr. Kuntz: Oh, I am sure they did.

The Court: Are you willing to concede that?

Q. And at that time they did, is that right?

A. Yes.

By Mr. Saypol:

Q. Now, do you recall, Mr. Elitcher, that in all of your meetings with agents at the very outset of any discussion you were apprised of your rights as an American citizen? Were you not?

A. Well, the first few. After that it wasn't brought up again.

Q. But at the outset?

A. Yes.

Q. You were told, for instance, that it was entirely up to you whether you wanted to answer their questions?

[fol. 532] A. Yes.

Q. You were told additionally, you were reminded perhaps of something you knew, that you had a right not to incriminate yourself?

A. Yes.

Q. That is, under the Constitution?

A. Yes.

Q. And having that right you didn't have to answer any questions?

A. That is correct.

Q. You were asked to state positively at the outset that no threats and no force had been exercised in connection with your examination?

A. That is correct.

Q. At any time in your relation with the agencies of the Government, and I couple them all, has anybody tried to color your story or suggest to you anything other than the truth as you know it?

Mr. Kuntz: I object to that, if your Honor please.

The Court: Overruled.

A. No.

Mr. Kuntz: Exception.

Q. What has been stated to you regarding the testimony you have given throughout?

Mr. E. H. Bloch: Well, I object to that as too general.

The Court: That is awfully general. Rephrase it.

Q. Have you been requested expressly to say nothing else but the truth?

[fol. 533] Mr. Phillips: That is objected to, if your Honor please.

The Court: Overruled.

Mr. Phillips: Exception.

A. I was never asked to tell anything but the truth.

Q. Was that said to you affirmatively?

A. Yes.

Q. Now, coming back to the occasion of the first day that you came here: was the complete story of your experiences over the years in connection with this espionage matter, both with respect to these defendants and others, completely told at that time?

A. No.

Mr. E. H. Bloch: I object to the form of the question.

(Last question read at the request of the Court.)

Mr. E. H. Bloch: Upon the additional ground that it is not proper redirect; that it has been answered.

Mr. Saypol: I will withdraw the question.

Q. Did you finish your story the first day?

A. No, I did not.

Q. Is it the fact that after some talk between you and after answering some questions or answering questions you said you wanted to talk to your wife?

A. Yes.

Q. Your statement was prepared that day?

A. Yes.

Q. Did that statement contain all of the information [fol. 534] which had been discussed between you, or only part of it?

A. I believe it took in everything that was discussed. What happened was——

Mr. E. H. Bloch: I object to any further statement. I submit that is a complete and exhaustive answer.

The Court: Overruled.

Mr. E. H. Bloch: Exception.

Q. Go ahead.

A. We had all felt—well, the discussion—I had told them what had occurred on the visit as I remembered it, and then they said they would like to have a written statement and would I agree to sign such a statement. I said, yes, and we sat at a table and we tried to recall everything that had been—that I had said. I don't remember whether everything was recalled. We felt that it was an exhaustive—at the moment, an exhaustive statement. Anything any of the agents recalled that was omitted they would ask me and I would say "Yes, put that down", and then I signed it.

The Court: Is this a convenient place to break off for lunch?

Mr. Saypol: Yes, your Honor.

The Court: All right, we will recess until 2:20 p.m.

(Recess until 2:20 p.m.)

[fol. 535] AFTERNOON SESSION

MAX ELITCHER, resumed the stand.

Redirect examination (Continued).

By Mr. Saypol:

Q. At the time of the luncheon recess, Mr. Elitcher, you were describing the meeting you had with the agents in the course of which you were asked whether or not you would be willing to give a statement, and you answered you would. Do you remember at that time in addition to the advice you were given about your rights, was something said about your right to counsel?

A. Yes.

Q. At that point did you then adjourn the proceedings and proceed to your home in Flushing?

A. Yes—well, not at that point. We did go to my home in Flushing. I was told—

Q. Where there was some talk about the statement? You have been told about counsel? Then up to that point isn't that a fact that the discussion had been confined mostly to Rosenberg?

A. Yes, that is true.

Q. Then you went at that time to your home in Flushing?

A. Yes.

Q. Did you talk some more?

A. Well, when I went out to Flushing, I believe when I got there I wanted to see my wife.

Q. Did you talk to your wife?

A. Yes. Briefly. And then I started to tell the agents [fol. 536] about the story, as I had been telling.

Q. Then the following day did you come back voluntarily to the office of the Federal Bureau of Investigation?

A. No. They visited me at my place of work and there they questioned me further.

Q. Was it at that time that they first raised the question of Sobell?

A. Well, that is the first time we had a full discussion about Sobell.

Q. Is that the time when you told them about Sobell?

A. Yes. I had mentioned Sobell on the previous day, too.

Q. Now, in the course of the conversation was it you or was it the agents who made first mention of Bentley?

A. The agents.

Q. Up to that point had there been any mention of Bentley, Miss Bentley? That is, on the preceding day or up to the time when they mentioned it in the place of your employer?

A. Before that? No.

Q. Had you ever met Elizabeth Bentley?

A. No.

Q. Had you ever had any dealings with her directly or indirectly?

A. No.

Q. In the course of cross-examination of you by Mr. Kuntz, he asked you a question whether or not it was a fact that you had lied to the agents in regard to Bentley. Did you deliberately make a misstatement of fact to [fol. 537] the agents with the intent to deceive them?

Mr. E. H. Bloch: Objected to upon the ground it has already been answered.

The Court: Overruled.

Mr. Kuntz: Objection on the ground that it is improper redirect examination.

The Court: Overruled.

A. No, I did not.

Q. Do you wish to make an explanation in regard to the answer you have given when you have said that you lied?

Mr. E. H. Bloch: Same objection.

Mr. Kuntz: Same objection. I object to any explanation.

The Court: Overruled.

A. When I said that I meant that I had not revealed to them this trip, the fact that I had been followed to New York and what resulted at Sobell's house, and going down to Rosenberg's house, going down to the East Side and the mention of Bentley. When I said I had lied I meant

that I had not told them that story at that particular time. Otherwise I didn't lie to them.

[fol. 538] Q. Now, from the time when they first saw you, continuing right up to the present time, have there been other matters unrelated to this case that have been discussed between you and the agents?

A. Yes.

Q. Of course, you have not testified as to those matters in this trial?

A. No.

Q. I take it, so far as you have been able, you have answered my questions and you have answered the questions of counsel for the defendants as best you could?

A. Yes.

Q. There came a time in the development of the case by the Government agencies that you continued your conferences and you supplied additional information?

A. Yes.

Q. That information was in part incorporated in a third statement that you have testified about?

A. Yes.

Q. At this trial you have testified to the best of your knowledge truthfully as to the facts as they have been elicited—

Mr. E. H. Bloch: I object to that.

Mr. Kuntz: I object to that question. It is a question for the jury to determine.

Mr. E. H. Bloch: It is a question for the jury to decide.

The Court: Sustained.

Mr. Saypol: That is all.

[fol. 539] Recross-examination.

By Mr. E. H. Bloch:

Q. When you were first taken down for questioning here in the Federal Building, how long did you stay here?

A. I stayed about three hours or a little more.

Q. Was it at that time that you went back to Flushing?

A. After that, yes.

Q. Did you make an arrangement prior to the time that

you left this building to meet the two FBI agents who questioned you the following day?

A. No, no.

Q. Did you at any time during those three hours from about noon, I believe you said, to about 3 or 3:30, while you were here, ask for the right to counsel?

A. I did not.

Q. So that so far as you knew when you left this building the first time you were brought down here for questioning, you were not coming back for further questioning, isn't that a fact?

A. That is not a fact. I thought that I would probably be brought back immediately after my stay at my home, and I thought—

Q. Did the agents—

The Court: Wait a minute. He has not completed his answer.

A. I thought—I was sure that I would be taken into custody. I knew of nothing else.

Q. Did the agents accompany you from this building [fol. 540] to your home in Flushing that afternoon?

A. Yes.

Q. How long did they stay with you?

A. We got there somewheres between 4 and 5 o'clock, I believe, and we stayed until about midnight.

Q. And did you talk to them during that period from about 4 or 5 until midnight?

A. Yes.

Q. Continuously?

A. No, there was a—

Q. What was the break?

A. There was a long interruption during which they made a search of the house.

Q. Did the FBI agents have dinner at your home?

A. They did not.

Q. Did they go out to dinner?

A. Not to my knowledge. They were there all the time.

Q. Right along?

A. Well, one went out and another came in—

Q. At short intervals?

A. Yes, but they never left.

Q. How long in all would you say the agents were out of your house during that approximately 7- to 8-hour period?

A. They were there during the whole period.

Q. You said they went out—

A. One might have gone out.

Q. One might have gone out?

A. Yes.

Q. For a few moments only?

A. Yes.

[fol. 541] Q. How long did it take the FBI agents to conduct a search of your home?

A. I say at least a couple of hours. I couldn't gauge the time but it took quite some time.

Q. Of course, there was nothing in your home which indicated that you had any information with respect to Sobell or Rosenberg, isn't that right?

A. I don't know.

Q. Well, did you have any documents of any kind connecting you with Rosenberg or Rosenberg with you?

A. No.

Q. Anything that you communicated to the FBI was by word of mouth?

A. Yes.

Q. Isn't that right?

A. Yes.

Q. Now, during the period while the FBI agents were in your house and excluding the couple of hours that they were necessarily engaged in searching your house, did you continue to talk to them?

A. Yes.

Q. And did they make notes?

A. I don't think they made notes. I'm not sure. I mean I didn't see them at all times. I talked to them and I don't believe they made notes while I was talking to them.

Q. Where did you talk to them in your living-room?

A. Yes.

Q. And were you seated?

A. Yes.

Q. And were they seated?

A. Yes.

[fol. 542] Q. Try to refresh your recollection and tell us whether they had any paper in front of them or whether they had a pencil in their hand or a pen or any other writing implement.

A. I would say no, they didn't take down testimony.

Q. After the time came about midnight when they left, did you have any definite understanding or arrangement with them conveyed by word of mouth either expressly or impliedly that you were going to meet them the following day?

A. Well, they told me they wanted further statements from me. I don't remember whether they said it would be the next day or any day further, but they said they were going to come back and talk to me, and they didn't say where, they would let me know, about further testimony.

Q. And they did not say when?

A. That's correct.

Q. Now, when you were in your home at any time on that day from about 4 or 5 to 12, as you say, did you sign any statements?

A. Yes.

Q. Now, let us clarify this: Is it your testimony that you signed two statements that first day that you were brought down for questioning?

A. No.

Q. One here and one in your home?

A. No, no. I signed—they told me that they wanted a statement which primarily regarded Rosenberg that first evening. It was quite late and they said that they wanted [fol. 543] a further statement which would primarily take Sobell into account and that might be tomorrow, but they said they would get in touch with me again.

Q. What I am trying to get at is, and I think some of us would like to know—in fact, all of us would like to know, is whether or not when you refer to the first statement that you signed, you signed that statement in your home in Flushing, rather than here in the Federal Building.

A. Yes.

Q. And did you sign that statement just before the FBI agents left your home somewhere around midnight?

A. Yes.

Q. And that statement was signed by you after you had talked to these agents for about 3 or 3½ hours here and a number of hours in your home in Flushing, isn't that right?

A. Yes.

Q. And that was after you had a full discussion with them concerning your alleged relationship with Rosenberg, is that correct?

Mr. Saypol: Just a moment. The question is objectionable as to form.

The Court: I will overrule the objection.

A. Well, I don't know whether it was a full statement [fol. 544] I sat there and told them a narrative of what had happened. When we got through I don't think I was sure I had told everything, and they weren't sure either. They said they wanted a statement and would I be willing to sign such a statement. I said, yes and we sat in the kitchen, at the kitchen table, and we prepared the statement.

Q. And you recapitulated all the salient features of what you had told them orally?

A. Yes.

Q. Is that correct?

A. Yes.

Q. How long would you say it took you and the FBI agents to make this recapitulation?

A. I am sure it took more than an hour.

Q. And in the course of that recapitulation as well as in the course of your previous discussions with these FBI agents certain places were mentioned by you, were they not?

A. Yes.

Q. And time was mentioned by you with relation to the incidents that you told them about?

A. Yes, time, as I recall, was mentioned.

Q. Now, is it accurate to say that the last thing that was done that day of your discussions was the signing of your statement at your home in Flushing?

A. Yes.

Q. And immediately upon your signing of that statement the FBI men left, is that correct?

A. Yes.

Q. Isn't it a fact that the statement was written out [fol. 545] in the kitchen of your house?

A. Yes.

Q. On the kitchen table?

A. Yes.

Q. Now, didn't you testify on cross-examination by Mr. Kuntz just before the luncheon recess that you deliberately omitted mentioning this automobile ride that you took with Sobell from your home in Flushing to Catherine Slip and the conversation that you are alleged to have had with Sobell where Bentley's name was mentioned?

A. Yes, I omitted to say that.

Q. You deliberately omitted to say that, did you not?

A. Yes.

Mr. E. H. Bloch: That is all.

The Court: Is there anything further?

Mr. Saypol: If you will allow me one question.

Redirect-examination.

By Mr. Saypol:

Q. You testified now to a search that the agents made in your home that night. Was that search made with your consent and your approval?

A. Yes, I had consented to it before we left the building here.

Mr. Saypol: That is all.

Recross-examination.

By Mr. E. H. Bloch:

Q. How many pages according to your recollection, are in that first statement?

A. I don't know, because I didn't write it.

The Court: All right.

Mr. E. H. Bloch: If the Court please, that is all the

[fol 546] defense has with respect to this witness, with the exception of the matters we took up with you.

The Court: This witness is excused, but I would like to have him available Monday morning in the building in the event that I deem it necessary that he be recalled on the matter of these statements. I will read the statements.

Mr. Saypol: The witness will always be available.

(Witness excused.)

(The clerk called David Greenglass.)

The Court: The Government will make available to me the papers that I have to pass upon. I want the statements and I will examine the statements and the grand jury minutes as well.

[fol 547] David Greenglass, called as a witness in behalf of the Government, being first duly sworn, testified as follows:

Mr. Cohn: Your Honor, before this questioning begins, confirming permission we received from your Honor at the bench, I would state for the record that Dr. Dodson, the chairman in the Chemistry Department of the Brookhaven National Laboratories might, with the Court's permission, be seated at the counsel table with us for technical purposes during some of the technical testimony at this trial.

The Court: Very well.

Direct examination.

By Mr. Cohn:

Q Mr. Greenglass, will you try to keep your voice up so the Court and jury can get the benefit of your testimony. Are you the David Greenglass who is named as a defendant in the indictment here on trial?

A I am.

Q That indictment charging conspiracy to commit espionage?

A Yes.

Q. Have you entered a plea to that indictment?
A. I have.
Q. What is that plea?
A. Guilty.
Q. Are you now in the custody of the United States Marshal?
A. I am.
Q. Now, prior to the time you were remanded to the custody of the United States Marshal, what was your home [fol. 548] address?
A. 265 Rivington Street.
Q. That is here in Manhattan?
A. Yes.
Q. How old are you?
A. 29.
Q. When were you born?
A. March 3, 1922.
Q. Are your parents alive?
A. My father is dead. My mother is alive.
Q. Do you have any brothers and sisters?
A. I have two brothers and one sister.
Q. Your sister is the defendant Mrs. Ethel Greenglass Rosenberg, is that correct?
A. That is true.
Q. And another defendant, Julius Rosenberg, is your brother in law?
A. That is true.
Q. Is Mrs. Rosenberg older or younger than you are?
A. Older.
Q. What are the names of your brothers?
A. One brother is Samuel. One is Bernard.
Q. Are you yourself married?
A. I am.
Q. What was your wife's maiden name?
A. Ruth Printz.
Q. How do you spell that?
A. P r i n t z.
Q. When were you married?
A. November 29, 1942.
Q. Do you have any children?
A. I have two.

Q. How old are they?
A. One is nine months old and one is four years old.
Q. Boys or girls?
A. One is a girl. One is a boy.
Q. Where were you educated, Mr. Greenglass?
[fol. 549] A. I was educated in New York.
Q. Would you tell us briefly the schools which you attended here in New York?
A. I went to P.S. 4, P.S. 97, Haaren Aviation School, Brooklyn Polytechnic and Pratt Institute.
Q. What field have you pursued since your graduation from public school?
A. I am a machinist.
Q. Have you studied the work of a machinist and related problems while you were at Aviation School?
A. Yes.
Q. And also at Pratt Institute, is that correct?
A. Yes, sir.
Q. Is that correct?
A. Yes, sir
Q. After you left school and prior to 1943 did you have any practical experience as a machinist?
A. I did.
Q. Here in New York?
A. In New York.
Q. Now, in 1943 did you enter the Army of the United States?
A. I did.
Q. As a private?
A. Private.
Q. When in 1943 did you go into the Army?
A. April, 1943.
Q. After that did you have basic training?
A. Yes.
Q. Where was that?
A. Aberdeen, Maryland.
Q. Were you thereafter assigned to work as a machinist while in the Army?
A. I was.
[fol. 550] Q. After that did you go to ordinance school?
A. I went to ordinance school, yes.

Q. What did you do out there?
A. It was a shop—

Mr. E. H. Bloch: Out where?

Q. The ordinance school: where was the ordinance school, Mr. Greenglass?
A. In Aberdeen, Maryland.
Q. I think you said it was a shop?
A. It was a shop.
Q. And did you pursue your trade as a machinist in that shop?
A. I did.
Q. How long were you at Aberdeen?
A. Until July.
Q. That is July of 1943?
A. Yes.
Q. Now, am I correct in stating that during the next year, July, 1943, to July, 1944, you were stationed at various posts, Army posts, throughout the United States?
A. I was.
Q. You were stationed at a number of them?
A. A number of them.
Q. Different parts of the country?
A. Yes.
Q. Now, in July of 1944, did you receive a new assignment?
A. I did.
Q. To what location? At what location?
A. To Oak Ridge, Tennessee, the Manhattan Project.
Q. The Manhattan Project District?
The Court: When was that?
[fol. 551] The Witness: It was July, 1944.
Q. July of 1944. You were assigned to the Manhattan District Project of the United States Army, is that correct?
A. That is right.
Q. Did you at that time know what the Manhattan District Project of the United States Army was?
A. I did not.
Q. You know now it was the project in charge of construction of the atomic bomb, is that correct?

A. I do.

Q. Now, when you were out at Oak Ridge, Tennessee, in July of 1944, how long did you stay out there?

A. About two weeks.

Q. Now, during that period were you given any security lectures?

A. I was.

Q. Did they concern the new duties you were to undertake?

A. Yes, they did.

Q. Were you told anything about the nature of those duties and the nature of the work at Manhattan Project?

A. I was.

Q. What were you told?

A. I was told that it was a secret project.

Q. Were you told at that time what was going on at that project, what was being constructed?

A. No.

[fol. 552] Q. You were told nothing about that, is that correct?

A. Nothing at all.

Q. Was the Espionage Act mentioned to you in connection with revealing any information as to what was going on in the Manhattan Project?

A. It was.

Q. After your two weeks' orientation at Oak Ridge, Tennessee, were you then assigned to report to some other place in the United States?

A. I was.

Q. Where was that?

A. Los Alamos, New Mexico.

Q. How did you go out there?

A. Train, all the way.

Q. About when did you report at Los Alamos?

A. August, 1944.

Q. When you reported at Los Alamos were you given certain instructions concerning the duties you were to pursue out there?

A. I was interviewed for a job.

Q. Did there come a time when you were told that you would work as a machinist in the shop?

A. That is right.

Q. Were you told at that time the nature of the work being done at Manhattan Project?

A. No.

Q. Was the fact that it was secret reaffirmed to you?

A. It was.

Q. Were you told just how much you were to know about what was going on at Manhattan Project?

A. I was told I was to know as much as was necessary to do my job.

Q. And nothing more?

A. Nothing more.

[fol. 553] Q. Now, would you tell us at this point when it was that you learned for the first time that the Manhattan Project District was the district of the United States Army concerned with the construction of the atomic bomb?

A. When my wife came to visit me in November, 1944, she told me that Julius had told her—

Mr. E. H. Bloch: I object to any conversation between this witness's wife and himself outside the presence of the defendant Julius Rosenberg.

The Court: She is named as a co-conspirator.

Mr. E. H. Bloch: I respectfully except.

The Court: Objection overruled.

Q. Will you tell us again? I think you said the time was November, 1944?

A. Right.

Q. What did your wife tell you?

—. She told me that Julius had said that I was working on the atomic bomb.

Q. And that was the first you knew of it?

A. That was the first I knew of it.

Q. You had never been told that by anybody in an official capacity of the United States Government?

A. No, sir.

Q. Now, going back to August of—

The Court: Will you just slow up the slightest bit because I am trying to make some notes.

Mr. Cohn: I will be glad to. I am trying to get over some of the preliminary points.

[fol. 553-a] Q. In August of 1944, Mr. Greenglass, when you took up your duties at Los Alamos, will you tell us—

The Court: Excuse me. When was that conversation with your wife? November?

The Witness: At the end of November, 1944.

The Court: Very well.

[fol. 554] Q. About several months after you first went to Los Alamos; is that right?

A. It was.

Q. During that first few months you did not know just what was being done at Los Alamos?

A. That's right.

Q. Now, I think you said you were assigned to work as a machinist?

A. I was.

Q. And where, physically, was your work done?

A. It was at a shop called the "E" building shop or the "student shop".

Q. Where was that located?

A. In "E" Building, in the tech. area, at Los Alamos.

Q. By the "tech. area", you mean the technical area?

A. Technical area at Los Alamos.

Q. Out at Los Alamos, this shop was located in one of the buildings out at Los Alamos; is that right?

A. That's right.

Q. You were assigned to work there as a machinist?

A. I was.

Q. Now, you said the "E" shop; did this letter "E" have any significance?

A. It was the building I was in.

Q. That was the building you were in?

A. Yes.

Q. Now, were you a member of a group out there? Was this building and was the machine shop under the jurisdiction of a particular group of the Manhattan District [fol. 555] Project, at Los Alamos?

A. It was.

Q. What was the name of that group?

A. It was the "E" group.

Q. The "E" group?

A. Right.
Q. Now, did the "E" group have a head or a leader?
A. It did.
Q. What was he called?
A. His name was Kistiakowski.
Q. Is that Dr. George B. Kistiakowski of Harvard University?
A. That's right.
Q. And do you know what his professional standing is, in what field he is known?
A. Yes, I do.
Q. What is that field?
A. Thermodynamics man.

The Court: Speak up.
Mr. E. H. Bloch: I didn't get that, I am sorry.
The Witness: He is a thermodynamics man.

Q. Thermodynamics?
A. Physical chemistry.
Q. In general terms, what was group "E" concerned with?
A. With high explosives.
Q. High explosives?
A. Yes.
Q. Did you have any other superiors in addition to Professor Kistiakowski?
A. I did.
Q. Will you tell us?
A. The foreman of the shop was a man by the name of De Mars, a civilian. I don't know how to spell his name. [fol. 556] Mr. Cohn: I don't either, your Honor, but we will check it.
Q. You say he was the foreman of the shop?
A. That's right.
Q. Did you have any superiors between the foreman of the shop and Dr. Kistiakowski, who was the leader of "E" group?
A. I did.
Q. Who was that?
A. His name was Fitzpatrick.

Q. Was he a civilian?

A. He was a GI.

Q. What was his rank?

A. Well, later on he became a Master Sergeant. I don't recall his rank at the time.

Q. And what was his title?

A. He was in charge of procurement and the machine shop of "E" group.

Q. He was in charge of procurement and this machine shop, this shop "E"?

A. For the "E" group.

Q. In other words, the structure was, out in Los Alamos, the "E" group, headed by Dr. Kistiakowski and concerned with high explosives; under Dr. Kistiakowski there was Sergeant Fitzpatrick—

A. That's right.

Q. —in charge of and concerned with procurement, and in so far as the shop itself, it had a foreman and that foreman was Mr. De Mars, at the beginning, I think you said?

A. That's right.

Q. And you were one of the machinists?

A. I was one of the machinists.

[fol. 557] Q. About how many machinists would you say were assigned to that shop?

A. Oh, there were about—the greatest amount was about 10 machinists.

Q. Would the number vary from time to time?

A. Yes, it would vary.

The Court: May I suggest, Mr. Cohn, that you stand back a little bit.

Mr. Cohn: All right.

Q. Now, did there come a time when Mr. De Mars was transferred, gave up his duties as foreman?

A. He did.

Q. Did you get another foreman out at the shop?

A. I did.

Q. What was his name?

A. Bob Holland.

Q. Holland, H-o-l-l-a-n-d?

A. Right.

Q. Now, after Mr. Holland's assignment, was there any change in your duties?

A. I became the assistant foreman.

Q. You became the assistant foreman?

A. Yes.

Q. Did there come a time when Mr. Holland left?

A. There was.

Q. About when was that?

A. Oh, the end of '45, beginning of '46.

Q. After Mr. Holland left, was there any further change in your duties?

A. I became the foreman of the shop.

[fol. 558] Q. Did you continue to hold that position until you were discharged from the Army of the United States?

A. I did.

Q. When were you so discharged?

A. In the last day of February, 1946.

Q. Were you honorably discharged?

A. I was.

The Court: Then for what period of time were you foreman?

The Witness: I would say a period of about two, two and a half months.

Q. Just prior to your discharge from the Army; is that right?

A. That's right.

Q. Will you tell us, were you a non-commissioned officer when you were discharged from the Army?

A. I was.

Q. What rank?

A. T/4, sergeant.

Q. T/4, sergeant?

A. Yes.

Q. Sergeant T/4?

A. Yes.

Q. Now, going back to the time when you undertook your duties as a machinist at this "E" shop out at Los Alamos, would you tell us, tell the Court and jury in general terms just what your duties were, what you did over the period of time you were working in the machine shop, as a general proposition?

A. Well, the shop itself took jobs from various scientists and made apparatus whenever they needed it; and there [fol. 559] were two methods of jobs coming through the shop. One was to—when a scientist needed a piece of apparatus, he just sent it through procurement and it was sent to either one of the three shops in the technical area.

Q. There were three shops; is that right?

A. There were three shops.

Q. What were the names of the other two?

A. "V" and "C" shop, which were bigger than mine; both were bigger than mine.

Q. Yours was the smallest shop; is that right?

A. Ours was the smallest shop.

Q. Go ahead.

A. That was one way; and they would be distributed according to how much work each shop had. The other way was go directly to Fitz and say, "How about getting this job done"? And usually it was put through, or the sketch or piece of paper or the scientist talking to one of us machinists to do it.

Q. In other words, it was your job to machine this particular—

A. Apparatus.

Q. —apparatus or product that the scientist required in connection with his experimentation on atomic energy: is that correct?

A. That is correct.

Q. Now, did the physical location of your "E" shop remain the same during your entire stay at Los Alamos? [fol. 560] A. No, it didn't.

Q. When was there a change?

A. Oh, it was in the fall 1944, we had a building built and the whole procurement section moved into that building. It was called the "Theta" building.

Q. Theta building, and the shop under which you undertook your duties was known as "Theta" shop?

A. Theta.

The Court: How do you spell that "Theta"?

The Witness: T-h-e-t-a.

Mr. Cohn: It is a Greek letter.

The Witness: A Greek letter.

Q. Was there any change in your duties when you went over to Theta shop?

A. They remained the same.

Q. You were doing the same thing, but the physical location had changed; you had been in the "E" shop before and you were now in the Theta shop?

A. That's right.

Q. Did you continue to work in the Theta shop, in the various capacities you have described, until the time that you left Los Alamos?

A. I did.

Q. Did you continue to do work such as that which you have described to us?

A. That is correct.

Q. Now, you have told us about the security talks you had at Oak Ridge and about what was told you [fol. 561] concering the secret nature of your work when you got out to Los Alamos. In addition to these oral instructions, were you given any written material containing security regulations and telling you just what you were at liberty to disclose and what you should not disclose?

A. I was given such a book.

Mr. Cohn: May this be marked for identification, your Honor?

(Marked Government's Exhibit 1 for identification.)

Mr. E. H. Bloch: May we look at it?

Mr. Cohn: As soon as I offer it in evidence, Mr. Bloch, certainly.

Q. Would you just look at this, look through it for a minute, Mr. Greenglass (handing to witness); have you examined Government's Exhibit 1 for identification?

A. I did.

Q. Do you recognize that?

A. It is a photostat of the booklet that I received at Los Alamos.

Mr. Cohn: I offer it in evidence, your Honor.

Mr. A. Bloch: Objected to on the ground it is incompetent, irrelevant and immaterial, not binding on my defendant.

The Court: Overruled.

Mr. A. Bloch: Exception.

Mr. E. H. Bloch: I suppose when Mr. Bloch said his [fol. 562] defendant, that means all defendants?

The Court: That is correct.

Mr. E. H. Bloch: Could I see it?

Mr. Cohn: Yes (handing).

Mr. E. H. Bloch: I will try to be as quick as I can.

Mr. Cohn: It is all right.

(Government's Exhibit 1 previously marked for identification received in evidence.)

The Court: Are you going to call certain portions to the attention of the jury?

Mr. Cohn: I am, your Honor. I might read just a few brief portions to the jury, pass it around so that they can examine the whole thing, and if any of the gentlemen of the defense feel I have omitted anything I should have read, I assume they will be at liberty to do that now that this has been received as Government's Exhibit 1, your Honor.

The Court: All right.

Mr. Cohn: I may say to the jury, the exhibit itself is marked "Restricted". The word on the beginning of the first page is "Security". The first two paragraphs read as follows:

> "This handbook has been designed to provide members of the technical area staff and their families [fol. 563] with a concise summary of existing security regulations. It should be understood that to obey these regulations is a minimum requirement. There is a further obligation on the part of everyone to maintain a constant and intelligent interest in the prevention and reporting of all incidents whose occurrence endangers the security of the project. It is a basic policy of the project that everyone working here should know whatever is required for doing his job well. It is therefore of greatest importance for each person to understand that he is in a position of trust with regard to all such information and also with regard to information which he may accidentally gain about other confidential matters".

[fol. 564] There is further descriptive material. On page 2 there is a section entitled "Communication".

"(A) There must be no conversation outside the technical area, or in the presence of unauthorized persons, and no information in personal letters, conveying any of the following kinds of information:

"1. The purpose of the project.

"2. The general problems being worked on.

"3. Technical data connected with 1 or 2 above.

"4. The scheduling or general progress of the work.

"5. Any overall account of the personnel employed on the project.

"6. The procurement or presence here of essential materials and installations.

"By 'unauthorized persons' are meant persons whom you do not know to have the permission of their group or divisional leaders or the director to receive the information in question.

"(B) There must be no conversation outside the post, or in the presence of unauthorized persons, and no information in personal letters, conveying any of the following kinds of information:

[fol. 565] "1. The professions or former connections of persons working in the technical area.

"2. The name of the contractor under whom the project is being run.

"3. Affiliation of this project with other war projects.

"4. The size of the project or post, or other significant features such as water supplies, fire-protection installations, etc."

"5. The general kinds of work going on in the technical area. We are engineers; the technical area should be called only 'the technical area'.

"By 'unauthorized persons' are meant persons who do not live in or have access to the post, or who, living here, have no reason to receive the particular class of information.

"6. Your address, P.O. Box 1663, Santa Fe, New Mexico, may be given to family, friends, and in pri-

vate business dealings. Do not use Los Alamos stationery in private correspondence".

Then there are further restrictions concerning the receipt of mail; travel the employees are instructed not to establish or maintain social relations with anyone living in neighboring communites; not to have friends visit them [fol. 566] out there; are told not to fill out any questionnaires, licenses, applications or anything else without first consulting the Personnel Office as to the propriety of the detailed information requested by that application; and to report any people without the proper badge

By Mr. Cohn:

Q. By the way, were badges worn out there?
A. They were.
Q. Having different significance?
A. They were.
Q. How did they go, by color?
A. By color.
Q. What did a color represent?
A. A white badge was authorized to go to the seminars and be let in on all the information that was available on the bomb.

Mr. E. H. Bloch: May I ask your Honor to instruct the witness to raise his voice, please?

The Court: Yes, we have had the same difficulty with the other witness.

Mr. E. H. Bloch: I think the acoustics in here are very bad. We had the same difficulty at the last trial.

The Court: The only thing we can do is to have the questioner stand back and therefore the witness will direct his answers to you and that may help in that respect.
[fol. 567] Mr. Cohn: I am not going to read any more of this. May I pass this to the jury?

The Court: Did you hear that last answer? Do you want it reread?

Mr. A. Bloch: Will you read the last answer?

(Answer read.)

Q. That was a white badge?

A. That was a white badge.

Q. Were there any other colors?

A. There was a red badge which allowed the bearer to get all the information necessary to be able to do his job; and then there was a blue badge which allowed—well, it allowed the bearer to go into the tech area to do various jobs like steam fitting or ditch digging, but not to be around any of the equipment or to see any of the experiments.

Q. Now, I assume that is what this regulation refers to when it says that you are to report any person wearing the wrong badge to the authorities?

A. That is right.

Q. When observed in a certain area?

A. That is right.

Q. Did you yourself have a badge?

A. I did.

Q. Now, specifically, you told us that Dr. Kistiakowski was out at Los Alamos and was in fact the leader of [fol. 368] Group E?

A. Right.

Q. And that his reputation is in the field of physical chemistry?

A. That is right.

Q. Thermodynamics?

A. That is right.

Q. While out at Los Alamos did you come to learn the identity of any other scientists who were present and working on atomic energy?

A. That is correct.

Q. Would you name one or two of those?

Mr. E. H. Bloch: Is it contended that this testimony will connect up any of the defendants?

Mr. Cohn: Quite definitely, your Honor.

A. I did get to know a number of scientists and some of world fame, for instance, Dr. Oppenheimer, whom we knew as the head of the project.

Q. J. Robert Oppenheimer?

A. That is right, and there was Neil Bore, whom I first knew as Baker.

Q. What do you mean by that?

A. It was a pseudonym to keep his identity secret.

Q. You mean that Dr. Bohr was known at Los Alamos by an assumed name, that of Baker?

A. That is right, Mr. Baker.

Q. And you knew at first that there was a man named Mr. Baker, a scientist?

A. That is right.

Q. Was there a period of time during which you yourself did not know who Mr. Baker actually was?

[fol. 569] A. That is correct.

Q. And did there come a time when you found out who he was?

A. That is right.

Q. And who is he?

A. Mr. Baker was Neils Bohr. He is a nuclear physicist.

Q. Considered one of the outstanding in the world, is that correct?

A. That is correct.

Q. Do you recall whether the fact that Dr. Bohr was out in Los Alamos was secret information?

Mr. E. H. Bloch: When was this? Will you fix the time, please?

Q. Will you tell us the best you remember when you first knew that Mr. Baker, a man named Mr. Baker, was out there?

A. It was about September or October of 1944.

Q. You knew him only as Baker, is that right?

A. That is right.

Q. Was it shortly thereafter you found out who he really was?

A. That is right.

Q. And you were told he was Dr. Bohr, is that correct?

A. That is right. In passing one of my colleagues said, "That's Baker and he is Neils Bohr".

Q. You knew that the information as to who Dr. Bohr out there was was secret?

A. I did.

Q. As a matter of fact, I think that this very security [fol. 570] pamphlet states that the identity of scientists out there and their former occupation was not to be discussed by any unauthorized person, is that right?

A. That is right.

Q. I assume as a practical matter that one's former occupation in a particular field of science would be a clue to the particular work he might be doing?

A. That is correct.

Q. Is that the reason for this regulation?

Mr. E. H. Bloch: If he knows.

A. That is the reason for it.

Q. In addition to Mr. Baker whom you came to know as Neils Bohr and Dr. Oppenheimer, may I ask you specifically, did you know that Dr. Harold Urey was connected with the Manhattan project?

A. I did.

Q. About what point after your arrival at Los Alamos did you learn that fact?

A. Oh, it must have been about December or so.

The Court: When did you learn about Dr. Oppenheimer? I do not think you told us about that.

The Witness: That was almost at the beginning of the time I was there.

Mr. E. H. Bloch: Your Honor, I will object and am objecting to whether or not this particular witness knew some of the most renowned scientists at Los Alamos [fol. 571] unless this particular information is related to the issues in this case so far as it bears upon the guilt or innocence of the defendants.

Mr. Cohn: I would be glad to state to your Honor that the name of each scientist which has been spoken by Mr. Greenglass from this stand and will be directly related to the defendants in this case and specifically to Mr. Bloch's client.

The Court: Very well.

Mr. Cohn: I make that representation.

The Court: Very well.

Q. And there were other scientists there, is that correct?
A. That is correct.
Q. Whose identities you had learned?
A. Yes.
Q. Now, was one of the scientists who was present at Los Alamos and whose name and presence you came to know Dr. Walter Koski?
A. That is correct.

Mr. Cohn: I believe Dr. Koski is here in court. Would you rise, Dr. Koski?

(A man rises in courtroom.)

Q. Do you recognize Dr. Koski here in court?
A. I do.
Q. Did you do any work at any time in connection with apparatus that Dr. Koski required in the course of his experimentation on atomic energy?
A. I did.
[fol. 572] Q. Did you specifically work in the machining of a flat type lens mold and other molds which Dr. Koski required in the course of his experimentation on atomic energy?
A. I did.

Mr. E. H. Bloch: May I just make a suggestion. I am going to suggest to the Court and the Court indirectly to Mr. Cohn that when on subjects which have been referred to in previous documents that his questions not be leading and suggestive and that he try to avoid leading and suggestive questions.

Q. You say you yourself—

The Court: Just a moment. What was the last question and answer?

(Question and answer read.)

[fol. 573] (Question read.)

Q. Now did there come a time when the first atomic explosion took place?
A. Yes.
Q. When was that?

A. July, 1945.

Q. Where?

A. Alamogordo, New Mexico.

Q. In the course of your employment at Los Alamos did you hear discussion concerning this atomic explosion?

A. I did.

The Court: Was that after the explosion or did you hear about the anticipated explosion?

The Witness: I heard of an explosion to take place at Alamogordo.

Q. Was that before?

A. I heard that before. Afterwards I heard of the atomic explosion that took place at Alamogordo.

Q. Now am I correct in stating that during the entire period of your stay in Los Alamos, 1944 to the time you were discharged in 1946, you worked in the machine shop and in the Theta shop on apparatus and equipment in connection with experimentation on atomic energy?

A. I did.

Q. Was that work pursued in the manner you have described here from sketches supplied and verbal descriptions by the particular scientists out there who required the apparatus?

A. I did.

[fol. 574] Q. I think you have told us, Mr. Greenglass, that your sister, Ethel, was a number of years older than you are; is that correct?

A. She is.

Q. Do you remember in what year she was married to the defendant Julius Rosenberg?

The Court: How much older is she?

The Witness: Six years older.

Q. Do you remember the year in which she was married to the defendant Julius Rosenberg?

A. 1939.

Q. Had you come to know Julius Rosenberg before your sister married him?

A. I did.

Q. Was he around your house?

A. Yes, he was.

Q. And you were 17 years old at the time they were married, is that correct?

A. That is correct.

Q. Now did you have any discussion with Ethel and Julius concerning the relative merits of our form of government and that of the Soviet Union?

Mr. A. Bloch: Objected to as incompetent; irrelevant and immaterial, not pertinent to the issues raised by the indictment and the plea.

Mr. E. H. Bloch: And upon the further ground that this will obviously lead to matters which may only tend to confuse the jury and inject inflammatory matter which will make it difficult or almost impossible for the jury to confine themselves to the real issues in the case.

[fol. 575] Mr. Cohn: Your Honor, of course, the views of the defendants on the relative merits of this country and the Soviet Union are extremely relevant when the charge is conspiracy to commit espionage, in that material would be transferred to the Soviet Union to be used to the advantage of the Soviet Union. I specifically cite the case of Haupt vs. United States, a decision of the United States Supreme Court which I think is particularly in point.

The Court: What did the case hold?

Mr. Cohn: The case holds, and I quote, the Supreme Court held in sustaining a treason conviction, they held that statements by the defendant showing sympathy with Germany and with Hitler and hostility to the United States were admissible as competent testimony.

The Court: What you are trying to bring out from the witness is the fact that the defendants expressed some form of favoritism to Russia in their discussions?

Mr. Cohn: Exactly, your Honor, and I am refraining from any discussion of parties or anything along those lines.

The Court: I believe it is relevant.

Mr. A. Bloch: One further statement I want to make in [fol. 576] my objection. The further objection is that the time in which such discussions were had is not specific. If it is a number of years prior to the time charged in the indictment it would be too remote.

The Court: Well, if it is too remote—

Mr. A. Bloch: To have bearing on the issues.

The Court: If it is too remote we can deal with that. I do feel that that would be a question which we can determine before it went to the jury or in the charge to the jury, as to whether or not it is too remote, and they may consider in giving any weight to it whether it is too remote.

Mr. A. Bloch: I respectfully submit that it is a question for your Honor to decide.

The Court: That may be and I will hear—what period of time do you cover?

Mr. Cohn: The period of time, I believe, your Honor, is beginning around—the period of time I intended to introduce was beginning around 1930 and continuing up to virtually the present time.

The Court: I think in view of the fact that they bring it right down to the time embraced by the indictment, that there is no question.

Mr. A. Bloch: It is a number of years. Where is he going to start and where is he going to finish and how [fol. 577] many discussions were there?

The Court: It is going to start—

Mr. A. Bloch: In 1938.

The Court: Excuse me. It is going to start where the defendants start it. The mere fact that they started some time back I don't think is something that should be used in their favor in connection with the argument you are making, if it is, particularly, a continuous discussion, and continued during the period of the conspiracy, and in view of the fact that the indictment charges conspiracy to commit espionage in that matters of national defense which would be advantageous to Russia is charged in the indictment I think it is most relevant.

Mr. E. H. Bloch: If your Honor please, I would like to argue at some length because we would come to it—

The Court: No, I don't want any further argument.

Mr. E. H. Bloch: I would like to cite some cases to the Court. Mr. Cohn was given an opportunity to cite the Haupt case.

The Court: Have you it right there?

Mr. E. H. Bloch: I have it, yes.

The Court: Was that contained in your original brief? [fol. 578] Mr. E. H. Bloch: No, it wasn't. I am going to give you the case. It is my contention that Mr. Cohn's—

The Court: Will you give it to me as briefly as Mr. Cohn gave it to me?

Mr. E. H. Bloch: I certainly will. I would like to make this statement before I give you the cases, and I think we are entitled to have this clear. Is it the purpose of Mr. Cohn to confine the discussions that he asked about to expressions of the defendants concerning the Soviet Union, or is he also going to introduce or intersperse questions concerning political affiliations, like affiliations with the Communist Party?

Mr. Cohn: Well, maybe I can clarify that, your Honor, reserving our position on admissibility of discussions concerning affiliations with the Communist Party, which we said yesterday, of course, we felt, under the law and as matter of equity, are quite admissible and bear on the charge in this indictment. My present purpose is to eliminate the possibility of delay on matters that I might consider not worth occasioning great delay. My purpose is merely to ask two questions: Were there such discussions? What was the nature of those discussions? What was the stated position of these defendants to Mr. [fol. 579] Greenglass over this period of time? I leave it after those three questions. That is my present purpose.

Mr. E. H. Bloch: I don't know whether Mr. Cohn meant to do this, but I don't think he told the Court what we are seeking. I am trying to find out from you, Mr. Cohn, whether the prosecution is going to introduce any evidence through these alleged discussions concerning a number of things, evidence with respect to the political affiliations like affiliations with the Communist Party of the United States.

Mr. Cohn: My question is going to be, Mr. Bloch, the question which now stands is, did you have any discussion, I believe, with your sister and brother-in-law concerning the form of government in the Soviet Union and the form of Government in this country and the relative merits of the two countries and the systems of government in the two countries? If the witness said he did have such dis-

cussions, I will then ask him over what period of time, and when he tells us the period of time, I will then ask him briefly what was said by the defendant, Ethel Rosenberg and by the defendant, Julius Rosenberg in those discussions as a general, rather than as a specific matter. I don't think it could — much more extensive than that.

[fol. 580] Mr. E. H. Bloch: I think you have clarified it a lot. If I understand you correctly, and the only reason I am pressing this is that I don't want to object unnecessarily, citing a list of cases to the Court which may have no relevance. Mr. Cohn I think impliedly is now representing that he is going to confine these discussions to the opinions of these defendants as expressed to this witness concerning their attitude toward the Soviet Union and the United States, but that there will be no discussion concerning alleged political affiliations of this witness with the Communist Party of the United States or any other party.

Mr. A. Bloch: As modified and defined by Mr. Cohn I still urge my objection on the grounds stated.

Mr. Cohn: For the purpose of saving time, which is probably an idle gesture by this time, I had not intended and I do not now intend to ask—I think this is what Mr. Bloch is after—Mr. Greenglass about his knowledge whether or not there were any Communist Party activities on behalf of these defendants, and if there were what they were.

The Court: All right. Objection overruled.

Mr. E. H. Bloch: Of course, I am joining in the objection already made.

(Record read.)

[fol. 581] Mr. E. H. Bloch: I object to the question on the further ground it is leading and suggestive.

The Court: Overruled.

Mr. E. H. Bloch: Exception.

Cross-examination.

By Mr. Cohn:

Q. You may now answer.

A. I did have such discussion.

Q. Over what period of time, roughly?
A. From about 1935 to about 1946 or 1946.
Q. To 1945 or 1946; is that right?
A. Yes.
Q. Were those discussions numerous?
A. At the beginning, yes.
Q. And at any time in the course of those discussions did the stated position of either Ethel or Julius Rosenberg change? Did their views change?

Mr. E. H. Bloch: I object to it.
Mr. A. Bloch: I object.
Mr. E. H. Bloch: I object to the form of the question.
The Court: You mean we haven't had the views yet and he is asking about a change?
Mr. E. H. Bloch: Yes.
The Court: You better ask about the views, first.

Q. Which system of government did they tell you they [fol. 582] preferred?

Mr. E. H. Bloch: May I again object and ask some clarification? I understand from this witness's answers that he said that he had discussions with these defendants from 1935 to 1944 or 1945.
The Court: 1945 to 1946.
Mr. E. H. Bloch: 1945 or 1946. I am going to ask your Honor to compel Mr. Cohn to detail the time of each discussion so that appropriate objection may be made for the record.
The Court: I thought you didn't want it, but if that is what Mr. Bloch wants, all right. If you can remember each time you had such a discussion you can tell us, and if you can't remember the exact date or the exact month but you remember the year, you can tell us and then tell us what the discussion was.
Mr. Cohn: I think, your Honor, of course, if Mr. Bloch thought I didn't go far enough or he thought anything further was required for his purposes, he could clarify it on cross-examination.
The Court: Yes.
Mr. Cohn: But if your Honor wants me to—
The Court: Let us get as much as we can this way.

Mr. Cohn: May I still try to keep it brief?

The Court: Yes. Try to get from him what he can re-
[fol. 583] member at this time. Then Mr. Bloch can detail it more for him.

By Mr. Cohn:

Q. I think you said these discussion with your sister began in 1935.

A. I did.

Q. When did they begin, so far as the defendant Julius Rosenberg was concerned?

A. About 1937.

Q. All right. Can you remember any specific occasions on which they had these discussions with you?

A. Do you mean the early period or later?

Q. Start with the early period. Mr. Bloch wants everything. Let me ask you this: In the early period how frequently would they express their views regarding the relative merits of the two countries?

A. I would say two or three times a week.

Q. Two or three times a week.

Mr. Bloch: Your Honor, I submit on the basis of that I should be required to take up the time of the Court and jury—

The Court: No. He has answered that it was two or three times a week now. Now let us find out whether the conversations ran along the same line on each occasion.

Mr. Cohn: That is the question to which Mr. Bloch objects.

[fol. 584] Q. Did the conversations run along the same line over a period of years?

Mr. E. H. Bloch: I object to the form of the question. It is a question for the jury to decide.

The Court: I will overrule it.

Mr. E. H. Bloch: Exception.

The Court: I am going to give you a chance to go into what you want to within the limits that I shall describe if there should be limits.

Mr. E. H. Bloch: I understand your Honor's orientation but I still feel that proper questions must be asked on direct.

If they are improper it is not incumbent upon me to cross-examine.

The Court: That is right, if they are improper, I will be the one to rule that they are improper, and I have ruled that they are not improper.

A. Well, roughly, they did. The conversations on the merits of Socialism over capitalism I think, in the beginning were more vehement.

Mr. E. H. Bloch: Mr. Greenglass, please, it is difficult to to hear you.

The Witness: In the beginning they were more vehement.

Mr. E. H. Bloch: Well now, I object to that.

The Court: Yes, I will sustain that.

[fol. 585] Q. Talking about Socialism over capitalism, did they specifically talk about Socialism as it existed in the Soviet Union and capitalism as it existed here?

A. They did.

Q. Which did they like better? Did they tell you?

Mr. E. H. Bloch: I object to the question as leading and suggestive.

The Court: I will sustain the objection on that ground, which they liked better. But you tell us whether or not on any occasion they told you that they preferred one over another.

The Witness: They preferred Socialism to capitalism.

The Court: Which type of Socialism?

The Witness: Russian Socialism.

Q. Now, you say in the early period these conversations were to your knowledge two or three times a week?

A. Yes.

Q. That is your best estimate?

A. Yes.

Q. Where did they take place?

A. At my mother's home, 64 Sheriff Street.

Q. What do you describe as the early period? Mr. Bloch wants to know. It started in 1935.

A. Well, I would say before 1939.

Mr. E. H. Bloch: Then, if the Court please, I move to [fol. 586] strike out the testimony upon the ground that

in addition to the grounds already urged, it is too remote to the charges and the issues in this case.

The Court: You say it started then and continued, didn't it?

Mr. E. H. Bloch: I know, but I am now talking about these particular discussions which he claims were had between 1935 and 1939. I object to any testimony about any ideas that these defendants are alleged to have had.

The Court: Did I not understand that these conversations continued up to, as you put it, 1945 or 1946? What is this limitation of 1939 that Mr. Bloch speaks of?

Mr. Cohn: Mr. Bloch has been asking me to fix the number of times, where the occasions were and all that. Mr. Greenglass spoke, your Honor, about an early period at which these discussions took place. I assume by the year 1939—that was before Mr. and Mrs. Rosenberg were married; they took place in the home of his mother. I suppose after that they took place some place else and after that some place else.

The Court: But these conversations continued, did they?

The Witness: Yes, they did.

[fol. 586-A] The Court: Along the same lines?

The Witness: They did.

By Mr. Cohn:

Q. Up until 1945 or 1946?

A. That is right.

The Court: We will take a recess.

(Short recess.)

[fol. 587] (Jury in box.)

By Mr. Cohn:

Q. Mr. Greenglass, when you went out to Los Alamos, was your wife out there with you?

A. No, she wasn't.

Q. I think you told us she went out there in August of 1944; is that right?

A. That's right.

Q. When after August of 1944 did you see your wife?

A. She came to visit me on our second wedding anniversary. It was November 29, 1944.

Q. It was in November, November 29, 1944?

A. That's right.

Q. For how long a period of time was she out in Los Alamos?

A. I got a three-day pass plus a two-day week-end, which made five days.

Q. Where did she stay? Was she out at Los Alamos?

A. No, she stayed at Albuquerque.

Q. Where, at an apartment, hotel?

A. In a hotel.

Q. In a hotel?

A. That's right.

Q. You say you got a three-day pass and you worked it in with the week end?

A. That's right.

Q. You had five days off; is that right?

A. That's right.

Q. You joined your wife at the hotel in Albuquerque?

A. Albuquerque.

Q. She remained there for the entire five days?

[fol. 588] A. She did.

Q. Now, was there any time during those five days when you had a conversation with your wife concerning the atom bomb?

A. I did.

Q. When during that five-day period was that conversation had?

A. In the latter half of the furlough. We went for a walk out on Route 66, past the city, Albuquerque City limits, and not yet to the Rio Grande River, and my wife started the conversation.

Mr. E. H. Bloch: If the Court please, before the witness gets into the conversation, I want to record our objection to any conversation had between this witness and his wife outside the presence of the defendants.

The Court: Very well.

Mr. E. H. Bloch: I assume I am speaking for all the defendants.

Mr. A. Bloch: I understand this is a general objection to the introduction of this kind of testimony and you are taking it subject to connection?

The Court: No, I am taking his testimony concerning his conversation with his wife on the ground that he and his wife are co-conspirators together with the defendants.

Mr. A. Bloch: If they are co-conspirators.

The Court: Alleged co-conspirators. Of course, if they are merely having a conversation that isn't in furtherance [fol. 589] of the objective and does not in any way mention the defendants, why of course there would be no materiality to it. That would be the objection, no materiality.

Mr. E. H. Bloch. Well, if the Court please, isn't there implicit in the Court's mind that there still would have to be that connection whereby the Government will prove to the satisfaction of the Court and the jury that there was a conspiracy between this witness, his wife and the defendants Rosenberg?

The Court: Of course.

Mr. E. H. Bloch: That is implicit.

The Court: Of course.

Mr. E. H. Bloch: So in that sense it is being taken subject to connection and subject to motion to strike in the event the Government fails to do that.

Mr. Cohn: May we have the last question, Mr. Reporter, please?

(Question read by reporter.)

Q. Will you tell us, Mr. Greenglass, what your wife said and what you said.

A. My wife said that while she was still in New York, Julius Rosenberg invited her to dinner at their house at 10 Monroe Street. She came to dinner and later on there was a conversation between the three present, my wife, my sister and my brother-in-law.

[fol. 590] It went something like this: Ethel started the conversation by stating to Ruth that she must have noticed that she, Ethel, was no longer involved in Communist Party activities—

Mr. E. H. Bloch: Now, if the Court please, this is just what I was afraid of, and I move to strike it out, any reference to Communist—

Mr. Cohn: I object to it being struck out, your Honor, on the ground that it is directly relevant to the charge in this indictment which will emerge as this conversation unfolds.

The Court: I will overrule the objection.

Mr. E. H. Bloch: I respectfully except.

The Court: The mere fact that the word "Communism" is mentioned does not taint all of the testimony and make it inadmissible if it is otherwise relevant.

Mr. E. H. Bloch: But apart from the lack of causal connection between Communist affiliations and sympathies with the crime in question, the introduction of this testimony also introduces an element of proof of another separate and distinct crime.

The Court: Well, you have already stated your objection. You stated it yesterday, and you stated it, I believe, the day before, too.

[fol. 591] Mr. E. H. Bloch: I think that is so, your Honor.

The Court: And I have your objection and I have made my ruling.

Mr. Cohn: May I have the last part of the answer?

(Record read.)

Q. Go ahead, Mr. Greenglass.

A. That they don't buy the Daily Worker anymore or attend meetings, club meetings. And the reason for this is that Julius has finally gotten to a point where he is doing what he wanted to do all along, which was that he was giving information to the Soviet Union.

And he then went on to tell Ruth that I was working on the atomic bomb project at Los Alamos, and that they would want me to give information to the Russians. My wife objected to this, but Ethel said—

Mr. E. H. Bloch: I object to the characterization.

The Court: Is this what your wife told you?

Mr. Cohn: Mr. Greenglass is relating what his wife said to him. I assume that he is doing his best to recall the words that were spoken.

Mr. E. H. Bloch: If she used the word "object" of course, I will withdraw my objection.

The Court: Did your wife use the word "object"?

The Witness: She told me that she didn't think it was a good idea.

[fol. 592] Mr. E. H. Bloch: All right.

The Court: Very well.

The Witness: And that she didn't want to tell me about it.

The Court: Proceed.

A. (Continuing) But they told her that I would want to know about it and I would want to help, and that at least—the least she could do was tell me about it. So that was the conversation. At first—she asked me what I thought about that—at first, I was frightened and worried about it and I told her—

Mr. E. H. Bloch: I object to his reactions or his state of mind.

The Court: Strike out his reactions.

Q. What did you tell your wife?

A. I told my wife that I wouldn't do it. And she had also told me that in the conversation, Julius and Ethel had told her that Russia was an ally and as such deserved this information, and that she wasn't getting the information that was coming to her. So later on that night after this conversation, I thought about it and the following morning I told my wife that I would give the information.

Q. Does that complete the conversation to the best of your memory that took place between you and your wife?

A. That's right. Then when I had told her what the [fol. 593] conversation was—I mean, I told her I would do it, she asked for specific things that Julius had asked her to find out from me.

Q. You mean specific information about the Manhattan Project?

A. That's right.

Q. Would you tell us as you recall it, what your wife asked you?

A. She asked me to tell her about the general layout of the Los Alamos Atomic Project, the buildings, number of

people and stuff like that; also scientists that worked there, and that was the first information I gave her.

Q. You say she asked you for that information, is that right?

A. She asked me for that information. When I gave it to her she memorized the information.

Mr. E. H. Bloch: I object to that.

Q. Did you have any conversations—

Mr. E. H. Bloch: I move to strike that out.

The Court: There was no answer.

Mr. E. H. Bloch: No, what I am objecting to is that she memorized that and he is not in a position to know it.

The Court: Strike it out.

Q. Did you have any conversations with your wife concerning whether—

The Court: Wait a minute. You gave her the answers [fol. 594] to all of these questions?

The Witness: I gave her the answers to all of these questions, yes.

By Mr. Cohn:

Q. Do you know whether she wrote this information down or not?

A. She did not write the information down.

Q. Did you have any conversation with her as to whether she was going to write it down or not?

A. She told me that she was instructed not to write it down, but to memorize it.

The Court: Instructed by whom.

The Witness: Instructed by Julius.

Q. In giving to your wife the names of the scientists working at Los Alamos on that occasion can you now recall any of the names which you furnished to her?

A. I gave her Oppenheim's name, I gave her Bohr's name and Kistiakowski's name.

Q. Did you tell her about this Bohr-Baker situation?

A. I did.

Q. You say you gave her a general description of the layout at Los Alamos, is that right?

A. That's right.

Q. How about the number of people there, the personnel, did you give any estimate of figures on that?

A. I gave her an estimate of how many people there were in the technical area.

[fol. 595] Mr. A. Bloch: May I ask to have the last answer repeated.

The Court: Repeat it, please.

(Answer read.)

Q. Of course, the repeating of this specific information is forbidden in that security book which is in evidence as Government's Exhibit 1, is that correct?

Mr. E. H. Bloch: I think the exhibit speaks for itself, your Honor.

Mr. Cohn: I will withdraw it, your Honor.

The Court: I was about to overrule the objection because of its unimportance.

Mr. Cohn: It is unimportant and that is why I withdrew the question.

The Court: It speaks for itself and the answer would merely have been cumulative, so it makes no difference.

Mr. E. H. Bloch: I agree.

Q. After you furnished this information to your wife, did your wife return to New York?

A. My wife returned to New York and I had told her that I would be in New York in January on furlough, so she left for New York, knowing that I was going to be there.

Mr. Cohn: Raise your voice a little because Mr. Bloch has some trouble hearing you.

[fol. 596] Q. Did you actually have a furlough in January?

A. I arrived home January 1st, 1945.

Q. January 1st?

A. 1945, yes.

Q. How long was your furlough?

A. It was a 15-day furlough with travel time.

Q. How long was that as a practical matter?

A. About 21 days or 22 days.

Q. When you say you arrived home, where were you then residing, where were you and your wife then living?

A. 266 Stanton Street, in Manhattan.

Q. Here in Manhattan?

A. Right.

Q. After your arrival in New York did there come a time when you saw the defendant Julius Rosenberg?

A. Yes, he came to me one morning and asked me to give him information, specifically anything of value on the atomic bomb, whatever I knew about it.

Q. Now, where did this conversation take place?

A. In my home at 266 Stanton Street.

Q. Did you say this was in the morning?

A. This was in the morning and he told me to write up this information at night, late at night, and he would be back the following morning to pick it up.

Q. About how long after you had arrived in New York did this conversation take place?

A. A few days after I arrived.

[fol. 597] Q. And did he outline to you in any further detail, the information he wanted?

A. He asked me what I was doing out there and I told him I was working on lenses, H. E. lens molds.

Q. That is the lens molds in connection with Dr. Kistiakowski's work that you told us about?

A. That is right.

Q. What else?

A. And he told me to write it up, to write up anything that I knew about the atomic bomb.

Q. Anything else?

A. He gave me a description of the atom bomb.

Q. Did you do any writing at that time?

A. I wrote up the information he wanted that evening. It included sketches on the lens molds and how they were used in experiments.

Q. Anything else?

A. Plus a description of it.

Q. Anything else?

A. Plus a list of scientists who were on the project.

Q. Do you recall the names of any of these scientists?

A. Yes, I gave him the same ones I had given him originally, plus, I gave him a scientist, Baker. I also gave him a scientist by the name of—well, there was one Hans Baker.

Q. Do you know what his field was?

A. Yes, his field was theoretical physics.

[fol. 598] Q. Did you furnish that information?

A. I gave that information, too.

Q. And you say there were some other scientists whose names you do not recall?

A. I don't recall at this moment.

Q. Was this information turned over to Rosenberg?

A. It was, the following morning.

Q. Where?

A. At my home.

Q. At your home?

A. Yes.

Q. Up at 266 Stanton Street?

A. That's right.

Q. Now, you turned that information over to the defendant Rosenberg the following morning in your home, is that right?

A. Yes.

Mr. Cohn: May we approach the bench a moment, your Honor?

(The following took place at the bench out of hearing of the jury:)

Mr. Cohn: We have reached a good stopping place, your Honor.

Mr. Saypol: We are going into a new phase and I don't want to break the continuity. I think it might be advisable if the Court will bear with us to take a recess now.

The Court: Does anybody have any objection?

Mr. E. H. Bloch: (To Mr. Phillips) You have no objection [fol. 599] to a recess for the day because they are going into a new subject?

Mr. Phillips: No.

Mr. Saypol: In that connection, bearing in mind how conscientious your Honor is with respect to maintaining

a continuing calendar, Monday, March 19th, my son gets married in the afternoon.

The Court: Off the record.

(Discussion off the record.)

The Court. (To the Jury) Well it sort of goes against the grain of my Scotch soul, but it looks like we have got to adjourn early today, so we will recess until Monday morning at ten-thirty. I am going to ask you again, I am going to remind you again not to discuss this case with anybody, not to permit anybody to discuss it with you. This case apparently, will arouse a lot of interest in the newspapers. I know that you must, therefore, redouble your efforts not to read anything about it and not to watch anything on television that concerns itself with it, or listen to anything on the radio that concerns itself with it. So we will recess until ten-thirty Monday morning.

I want to compliment you on your record of promptness, and I hope that you keep it up, and I wish all of you a pleasant weekend.

(Adjourned until Monday, March 12, 1951, 10:30 a. m.)

[fol. 600] New York, March 12, 1951;
10:30 o'clock a. m.

TRIAL RESUMED

RULING ON PRODUCTION OF STATEMENTS

(The following proceedings were had in the absence of the jury and at the bench:)

Mr. E. H. Bloch: If the Court please, at or about 10:15 this morning I was served with photostatic copies of the statements——

The Court: Wait a minute. Just hold that for a moment. Let me have the statements.

Mr. Saypol: I believe they have been turned over to counsel.

The Court: Let me have them. I want to mark them for identification. I want the grand jury minutes too.

Mr. E. H. Bloch: Yes.

The Court: Let me say for the record that I have ex-

amined three statements given by the witness Elitcher to the FBI dated respectively July 20, 1950, July 21, 1950 and October 23, 1950. I have as well read the grand jury minutes of Mr. Max Elitcher dated August 14, 1950 and [fol. 601] January 31, 1951.

It is my feeling in the matter, that while I find no true inconsistency, in the sense of the word as we know it, yet, in view of the tack which counsel's examination took, that is, the question of whether an event or two might have been omitted from any of these statements, or the grand jury minutes, I have determined that I shall turn over to the defense the statements given to the FBI respectively noted before, and the grand jury minutes.

Now I want it clearly understood however, that your examinations have been exhausted. This is a matter in which I have exercised my discretion. Whether or not any other Court would do it I don't know. I must say that I examined all of the authorities on this subject and there isn't any true clarity on it. So that I have resolved it in your favor. I don't want a long protractive cross-examination again to start. You have, all of you, already examined Elitcher about his previous statements without having the statements before you. He has made certain admissions, and the admissions I find consistent with what appeared in these statements.

Now I think I ought to tell you this in fairness to yourselves, that in using these statements, remember that the Government will have a right to use the balance. Now it is true that it has no testimonial purpose or value at [fol. 602] all in the court; it is merely for the purpose of showing that the witness had either made a statement as you contend inconsistent and the Government will contend consistent, and in view of the fact that we are not dealing with the case where the witness says he said one thing today, where you are going to show he said another thing contrary to that, but rather where the entire context of the writing will have to be read. I just want you to be aware of what you are going to be faced with there.

Now, we will mark these for identification, all of these statements, and I will now hear from you.

Mr. E. H. Bloch: Yes, your Honor. I was going to say

that we were served at 10:15. As you can see even from a summary disposition, that it would take probably about a half hour minimum to even read the statements without trying to digest then for inconsistency, for whatever purpose the defense may seek to utilize them and therefore, I would like to make the suggestion to the Court, and ask a favor of the Court, that the witness Elitcher be asked to come back on some subsequent date, whatever date——

The Court: No, no.

Mr. E. H. Bloch: Of course, it is up to your Honor, and permit Mr. Greenglass to continue his direct.

The Court: No. I am giving you a little more time to [fol. 603] read these, but I am going to dispose of that Elitcher situation. I am not going to have any of these witnesses hanging fire. That will be my course throughout this trial. I will not have them subsequently called back.

Mr. A. Bloch: May I suggest that you set the continuation of any cross for 2 o'clock this afternoon, to give us a chance to look at them?

Mr. Kuntz: I for myself and I think my colleagues will agree to spend this evening not only on reading these but checking them against the testimony, because we have the transcript——

The Court: No, no. You know the testimony and you can check it against the testimony. You know the testimony. It only occurred on Friday. It is clear in your mind and you know specifically the instances that he was cross-examined on where he admitted that he did not make that statement either to the FBI or to the grand jury. I don't believe you even went as far as the grand jury, Mr. Bloch, but I am going to permit you to see it because I have examined it.

Now, I won't have these witnesses hanging around day after day until these minor little things that come up during the course of the trial are disposed of. My suggestion is two-fold: Either we hold up the commencement of the [fol. 604] trial for a half hour or we adjourn for an hour and a half today for lunch and let the defense look at it, and I am inclined to the latter view.

Mr. Saypol: We will agree on whatever course the Court proceeds along.

The Court: All right. We will then recess at one o'clock and you will have just a little less lunch time. We will recess at one o'clock until 2.30. That will give you an opportunity. It won't take you long to read the statements. It didn't take me long to read the statements; no more than a half hour tops. Can't you get them an extra copy?

Mr. Saypol: We probably can.

Mr. Phillips: May I add my solicitation——

Mr. Saypol: We won't give them an extra copy of the grand jury minutes.

The Court: Well, while one is reading the statements, the other can start on the grand jury minutes.

Mr. Phillips: Your Honor was courteous and kindly and everything else in letting us have this material. Wouldn't it be just as well to extend that to give us sufficient time to consult on the matter of determining what course to take?

The Court: I believe you have——

Mr. Phillips: Will we have enough time in a half hour [fol. 605] to read these?

The Court: No. You will have an hour and a half. You don't eat for an hour. I don't. I eat for 10 minutes. I have a sandwich and coffee. You can arrange to have a sandwich and coffee brought in for you today, but we must move this trial along, and I am not going to have a delay by these so-called side issues. Now, you are getting——

Mr. Phillips: Would that delay the trial if something else is done in the interim and we work in the evening?

The Court: I think Mr. Elitcher is entitled to be either destroyed, or he is entitled to be rehabilitated, or he is entitled to stand as is.

Mr. Phillips: He is not working. He is not losing any time.

Mr. Saypol: Mr. Saypol says after you get through reading these statements and you make any examination you desire, he will then ask to have them marked in evidence and read to the jury, or if you want we will do that now.

Mr. Kuntz: I haven't even intimated—I haven't looked at them——

The Court: Now gentlemen, I have ruled. In order to get this trial moving in an orderly fashion I have deter-
[fol. 606] mined that you are to examine these statements I have referred to before and the grand jury minutes. You are to do so during the one and a half hour lunch period. I have read them. It didn't take me half hour to read them. You will have an hour and a half. I don't think you will have any difficulty whatsoever in crystalizing the particular thoughts you have in mind. So there it is. Mr. Elitcher will be back on the stand, Mr. Saypol.

Mr. Saypol: Yes.

The Court: At 2.30. Or you can hold him available. They may decide they don't want to recall him.

Mr. Saypol: All right.

The Court: Have him available in the event that they say they want him at 2.30.

Mr. Saypol: I would like to address myself to this topic generally for my future guidance: My conception of the law as it is, confused as it is, that prepared material of the prosecution like this is to be made available only when it is exculpatory; that is the word that Judge Hand used. Your Honor knows in the evolution of a case, the lawyers point of view in preparation is somewhat different from the investigators and many times in preparation, in sifting, a good deal either of the irrelevant, immaterial or the
[fol. 607] unnecessary and cumulative is eliminated.

The Court: I disagree with that point of view, Mr. Saypol. As a matter of fact, as a former Assistant United States Attorney, I understand very well that you don't sit down with a witness on the first occasion and take everything from him. You get just enough on that first occasion that you think would indicate the commission of an offense. Then you go on further by statement after statement, but in view of the fact that this state of the law on this subject is by no means definite and certain, I am going——

Mr. Saypol: I understand your Honor's ruling. I understand the basis for it, and I make no point in that regard. I am trying to find some guidance for the future. I will have other witnesses; other witnesses like this witness have told of incidents which I consider unnecessary to make a case. They are cumulative. There is this incident

where he met Rosenberg, this Bentley incident as to which he said nothing in the course of his first examination. Initially, nobody knows whether an individual is a prospective witness or a prospective defendant. The plan and course of an investigation is not something that is set in advance, but if I have to guide myself in the premises that a witness has to testify to everything that he has told at any time [fol. 607-A] in order to avoid exposing my files, not that I have any fear about it, because I think they are protected, that is why I think it should not be done and I should like to know it.

[fol. 608] The Court: I can't tell you. I just can't tell you, and I will say further that I am ruling on this particular one at this particular time because I have been able to examine them without too much burden on the Court. I think what I have done is not inconsistent with the Alper case. I think I have done what the Circuit Court would want me to do, as indicated by the Krulewich case. It has not been too much of a burden. I will say this, because the jury is absent: My own feeling in the matter is that this man really told a very good, honest, logical story, consistent with what he told here in court. That is my general feeling on the subject.

Mr. Saypol: May I address myself to another subject? I might say this at the bench because I think it ought to be kept confidential among counsel: On Saturday, in the mail, Elitcher received an anonymous threatening letter. Its substance was "Watch out for the time bomb."

Mr. Phillips: Watch out for what?

Mr. Saypol: The time bomb. It has no significance to me, but in the exercise of a policy of caution, I apprised the New York City Police Authorities. I didn't want to put the FBI on a situation like that. I mention it merely [fol. 609] in a precautionary sense so that nobody may say that I overlooked it in the event something should happen.

Mr. E. H. Bloch: I would like to say to the Court in response to Mr. Saypol that the defense is completely in accord with the prosecution in an attempt to track down and convict anybody who would dare intimidate a witness or otherwise obstruct justice. I might say to the Court,

as the Court well knows, these three defendants are held without bail. You have remanded them. They have been in jail for many, many months. I know that Mr. Saypol is not imputing that the defense counsel either directly or indirectly would have anything to do with it. We want to state for the record that we condemn any such tactics now.

Mr. Saypol: Let me say this: Aside from what I consider to be my obligation, I don't want any cross-examination by some astute counsel to point a finger at a witness and say "Isn't it true that the district attorney set a couple of cops on you?"

Mr. E. H. Bloch. No, no.

The Court: Well, I had hoped that we would be able to get through this trial without what occurs sometimes in a trial; that is, threats made to a witness of one nature or another. I shall deal in a very severe manner, Mr. Say-
[fol. 610] pol, with anyone whom you indicate to me you have some evidence on, that he has attempted to intimidate a witness.

Mr. Saypol: I equally so, and I expect that your Honor would. I thought that it was a topic that the Court and counsel should be apprised of.

Mr. E. H. Bloch: Thank you, Mr. Saypol. I might say that if I ever found out about any instance, I would.

The Court: As an officer of the court I would expect you to.

Mark these, Mr. Schaeffer, as exhibits. Mark them as Court exhibits. Mark these grand jury minutes two exhibits, one as indicated here and two as indicated over here.

Mr. Phillips: Exhibits for identification?

The Court: For identification.

(Marked Court's Exhibits I to V for identification.)

Mr. Saypol: One further matter on the record: I would like to introduce Mr. Charles Denison, chief of litigation of the Atomic Energy Commission. I would like to have leave to permit him to sit at the counsel table with me.

Mr. E. H. Bloch: No objection.

[fol. 611] In connection with the introduction of these

statements and the grand jury minutes of Elitcher for identification, it is clear, is it not, your Honor, that if the defense does not desire to utilize them in any way that they are not to be used any further in this trial by any party?

Mr. Saypol: Well, now, that is not a fair ruling.

The Court: Wait a minute.

Mr. Saypol: I thought your Honor was agreeing with that.

The Court: I will rule if they don't use these particular statements to cross-examine further, that you may not use these particular statements either to rehabilitate, so-called, the witness ——

Mr. Saypol: Well, am I not in a somewhat unfair position in that respect because ordinarily I couldn't use the statements either to refresh or corroborate a witness in the event of attack, but have made them available to counsel.

The Court: Yes.

Mr. Saypol: Whether they use any or all or none, they ou-t to be available.

The Court: I am sorry. That is not the law. I can't [fol. 612] agree with you, Mr. Saypol. They must make use of them.

Send for the jury.

(The jury enter the jurybox.)

Mr. Saypol: May I address myself to the Court for a moment?

The Court: Yes.

Mr. Saypol: The Court granted permission for Dr. Dodson to sit with me at the counsel table. Dr. Beckerley is here in his place with me. May he sit with me?

The Court: Yes.

Mr. E. H. Bloch: No objection.

The Court: Good morning, ladies and gentlemen. We had a little delay this morning. We had our usual conference at the bench. I hope you will excuse us for it. I appreciate your promptness, however. I understand you have all been very prompt.

Mr. Cohn: We would like Mr. Greenglass back.

DAVID GREENGLASS, resumed the stand.

The Court: Now, Mr. Greenglass, will you please remember to speak up?

The Witness: I will.

Direct examination continued.

By Mr. Cohn:

Q. Now, Mr. Greenglass, I think that on Friday afternoon before we adjourned, we were at the point where [fol. 613] Rosenberg had returned to your apartment to get this information on the atom bomb that he had asked you to write down; is that correct?

A. That is correct.

Q. Will you tell us again—first of all, did you in fact furnish him with written information concerning the atom bomb?

A. I did.

Q. Will you tell us just what information you furnished him with on that day?

A. I gave him a list of scientists who worked on the project. I gave him some sketches of flat type lens molds, and I gave him some possible recruits.

Q. What kind of recruits?

A. For Soviet espionage.

Mr. E. H. Bloch: I move to strike out the latter part of his answer.

The Court: I will strike that out and permit you to tell us what Mr. Rosenberg said to you about recruiting scientists or recruiting anybody to help. What were his words, in substance?

The Witness: He said he wanted a list of people who seemed sympathetic with Communism and would help furnish information to the Russians.

The Court: Very well.

Q. And you furnished him with such a list; is that cor- [fol. 614] rect?

A. I did.

Q. Now I want to come specifically to these sketches

you told us about of this lens. Exactly do you remember how many sketches you gave him?

A. I gave him a number of sketches, showing various types of lens molds.

Q. Was this that lens mold in connection with Dr. Caskey, that you told us about on Friday afternoon, which had been constructed at the shop, the Los Alamos shop in which you were working?

A. That was the same lens mold.

Q. Now, did you give Rosenberg a sketch of the lens mold; did you tell him how the lens mold was used?

Mr. E. H. Bloch: If the Court please, I am going to ask Mr. Cohn not to be leading at this point.

Q. Tell us exactly what you gave Rosenberg with reference to the lens mold.

A. I gave him a sketch of the lens mold. I marked them, A, B, C, the parts of the mold, and I defined what these markings meant.

Q. Where were these definitions contained, on the same sheet of paper?

A. On a separate sheet of paper.

Q. The sketch was on one sheet and the description on another sheet?

A. That is right.

Mr. Cohn: May this be marked for identification, your [fol. 615] Honor?

(Marked Government's Exhibit 2 for identification.)

Q. Now, Mr. Greenglass, have you, at our request, prepared a copy of the sketch of the lens mold which you furnished to Rosenberg on that day in January?

A. I did.

Q. Would you examine Government's Exhibit 2 for identification (handing) and tell me if that is the sketch which you prepared.

A. That is the sketch that I prepared.

Mr. Cohn: We offer it in evidence, your Honor.

Mr. E. H. Bloch: Before I make any objection, may I have a voir dire question here?

The Court: Go ahead.

Mr. E. H. Bloch: When did you prepare this?

The Witness: During this trial, yesterday.

Mr. E. H. Bloch: I object to its introduction upon the ground it is incompetent, irrelevant and immaterial. The witness is here. He testified orally to things. This is not a proper way of corroborating the witness. In fact, it is improper, I submit, to corroborate in this way.

Mr. Cohn: Well, if your Honor wants to hear me on that, I think the jury is certainly entitled to see what the witness has testified he gave to the defendant in this case, what information concerning the atom bomb and things in [fol. 616] connection with it he gave to the defendant in this case.

The Court: In other words, you put this in the same category, as I understand it, of chart evidence. After the witness testifies to something, a chart may be produced for the purpose of enlightening the jury or making it easier for the jury to understand. You are not introducing this as the exhibit that was turned over.

Mr. Cohn: Oh, no, not at all, your Honor. In fact, I will ask Mr. Greenglass——

By Mr. Cohn:

Q. When did you last see the very sketch which you turned over to Rosenberg?

A. In January, 1945.

Q. When you handed it to Rosenberg?

A. That is right.

Q. And you have not seen it since then?

A. No.

The Court: Objection overruled.

Mr. E. H. Bloch: Before your Honor rules, may I ask one more question along your Honor's line of thinking, if I may?

The Court: Go ahead.

Mr. E. H. Bloch: After looking at this Government's Exhibit 2 for identification, are you saying that that paper that you have in your hand represents a true copy of the [fol. 617] sketch that you turned over to Rosenberg?

The Witness: To the best of my recollection at this time, yes.

Mr. E. H. Bloch: Well, then, if your Honor please, I renew my objection, because I submit that this is not analogous to introducing a chart in evidence. A chart is introduced for the purpose of elucidating the jury on matters which may be complex, and it is a sort of over-all picture by which the jury may be enabled to follow certain details. Here, this exhibit is being introduced because it purports, according to this witness, to be a true copy of what he allegedly turned over to Rosenberg. Now, I submit that is a violation of the rule against corroborating the witness by extrinsic evidence while he is on the stand, and I believe it is improper.

Mr. Saypol: May I address myself to the question? I submit, if the Court please, that counsel misunderstands the objective in utilizing this exhibit. It is based entirely on the secondary evidence rule. The actual sketch, obviously, is not available, as the witness has testified. Certainly there may be made available for the use of the jury, in conjunction with the witness's testimony, a recently prepared replica which, as he has testified, to the best of his [fol. 618] recollection is a replica of that which he furnished to the defendant.

Mr. E. H. Bloch: As far as the best evidence rule is concerned, your Honor, I could see the cogency of Mr. Saypol's argument if it would be the contention of the prosecution that this document, which they now attempt to introduce in evidence, was made at or contemporaneously with or prior to the time.

The Court: What you are saying does not go to the basic question of whether or not a foundation has been laid for its introduction. What you are saying goes to the weight to be given to the document.

Mr. E. H. Bloch: I think it goes to both, your Honor. I think it goes to the fact that no proper foundation has been laid under the present——

The Court: I will receive it. Objection overruled.

Mr. E. H. Bloch: I respectfully except.

(Marked Government's Exhibit 2 in evidence.)

By Mr. Cohn:

Q. Now, Mr. Greenglass, while it is being marked, I might ask you——

The Court: Just a moment. Let it be marked.
ernment's Exhibit 2 in evidence, Mr. Greenglass; does that——

Mr. E. H. Bloch: I am sorry, Mr. Cohn, but now I would like to look at it a little more carefully so I may be enabled to follow the witness intelligently.

Mr. Cohn: Certainly, Mr. Bloch (handing).

Mr. E. H. Bloch: Thank you very much. All right.

Q. Addressing yourself to Government's Exhibit 2 in evidence, Mr. Greenglass, does that exhibit contain certain letters, "A", "B", "C"?

A. They do.

Q. Now, what do those letters have reference to? Do they have reference to this other paper?

A. Yes, they have reference to another paper, where I put down the meaning of these letters.

Q. Would you tell us now, as best as you remember it, exactly what descriptive language was contained on this piece of paper you furnished Rosenberg along with this sketch?

Mr. E. H. Bloch: That is objected to, your Honor, on the same grounds that I objected to the introduction of this document.

The Court: Overruled.

Mr. E. H. Bloch: I respectfully except.

A. "A" refers to the curve of the lens; "B" is the [fol. 620] frame; "C" shows approximately how wide it is.

The Court: All right, now you had better give us that slowly so we can all understand it.

"A" refers to what?

The Witness: The curve of the lens, the outside curve; "B" to the frame; and "C" to the width. It is a four-leaf clover design like; it looks something similar.

Mr. E. H. Bloch: We can't hear the witness, your Honor, I am sorry.

The Witness: It has four curves on it, and these—it is hollow in the center and it was used to pour "H. E." into it.

Q. What do — mean by "H. E."?

A. High explosive. It then took on the shape, the H. E. took on the shape of the mold and the mold was removed and you had a high explosive lens.

Mr. Cohn: Your Honor, may I pass it to the jury?

The Court: Yes.

(Government's Exhibit 2 in evidence passed to the jury.)

Q. I think you have already told us that this lens, mold, along with other things constructed in your shop, were used in connection with experimentation on the atomic bomb; is that correct?

A. They were.

Q. By the way, did you have any conversation with Rosen-
[fol. 621] berg concerning the writing on the descriptive material?

A. I did. My wife——

Mr. E. H. Bloch: Will you fix the time, please?

Q. Will you tell us just when this conversation took place, in relation to the time you turned over the material?

A. It took place in the morning after I had written this information out. Julius came to the house and received this information, and my wife, in passing remark that the handwriting would be bad and would need interpretation, and Julius said there was nothing to worry about as Ethel would type it up, retype the information.

The Court: Excuse me a moment. May I have that answer reread?

(Last question and answer read.)

Q. Did you have any further conversation with Rosenberg on the occasion when you turned over this material?

A. Not at—he asked me to come to dinner, my wife and myself, for an evening a few days later—I can't remember—a day or two later.

Q. At his home?

A. Yes, at his home.

Q. Did you accept the dinner invitation?

A. I did.

Q. Did there come a time when you and your wife did in fact go to Rosenberg's home in response to the dinner invitation?

A. We did.

Q. About how soon after this meeting at which you [fol. 622] turned over the material?

A. It was a day or two later.

Q. Now, where did Rosenberg live at that time?

A. 10 Monroe Street, in Knickerbocker Village.

Q. In Knickerbocker Village?

A. Yes.

Q. Do you remember what time you arrived at his apartment?

A. I would say it was about 7 o'clock or so.

Q. Now, I would like you to tell the Court and jury exactly what happened from the time you entered the apartment on that night, until the time you left? By that I mean, tell us who was there, tell us what was said and by whom?

The Court: What was the date, did you say?

Mr. Cohn: I believe the date was fixed, your Honor, as two or three days or a day or two—two or three days after the meeting in Greenglass' apartment, at which he turned over the information to Rosenberg.

The Court: Very well.

A. When I got to the apartment with my wife, there was Julius and Ethel Rosenberg and a woman by the name of Ann Sidorovich.

Mr. E. H. Bloch: What was that name?

Q. Just stop there for a moment. What did you say that name was?

A. Ann Sidorovich.

Mr. Cohn: May we have this marked for identification, [fol. 623] please?

(Marked Government's Exhibit 3 for identification.)

Q. Now, had you ever met Ann Sidorovich before?

A. I had never met her before, no.

Q. Did you know any members of her family?
A. I knew her husband.
Q. What was his name?
A. Mike Sidorovich.
Q. How long a period of time did you know him?
A. I knew him for some years.
Q. I would like you to examine now Government's Exhibit 3 for identification and tell me if you recognize the people on that picture?
A. This is Mike and Ann Sidorovich.

Mr. Cohn: We offer it in evidence, your Honor. May it be received?

(Government's Exhibit 3 previously marked for identification received in evidence.)

Mr. Cohn: May I exhibit that to the jury, your Honor?
The Court: Yes.

(Government's Exhibit 3 shown to the jury.)

Q. Now, keep your voice up, Mr. Greenglass, and tell us—you have told us who was present, Mr. and Mrs. Rosenberg and this woman, Ann Sidorovich; now, would you tell us exactly what happened on that evening, exactly [fol. 624] what was said and by whom?
A. Well, the early part of the evening we just sat around and spoke socially with Ann and the Rosenbergs, and then Ann Sidorovich left. It was at this point that Julius said that this is the woman who he thinks would come out to see us, who will come out to see us at Albuquerque, to receive information from myself.
Q. What kind of information?
A. On the atomic bomb. And she would probably be the one to come out to see us. We then ate supper and after supper there was more conversation, and during supper—and during this conversation there was a tentative plan brought forth, to the effect that my wife would come out to Albuquerque to stay with me, and when this woman, Ann or somebody would come out to see us, they would go to Denver, and in a motion picture theater they would meet and exchange purses, my wife's purse having this informa-

tion from Los Alamos, and of course, that is the way the information would be transmitted.

Q. Now, was anything said about the reason for Ann Sidorovich being present at the Rosenberg's home on that particular night when you were there?

A. Yes, they wanted us to meet this Ann Sidorovich, so that we would know what she looked like; and that brought up a point, what if she does not come?

[fol. 625] Q. You mean, there was a possibility that somebody else would come?

A. That's right. So Julius said to my wife, "Well, I give you something so that you will be able to identify the person that does come".

Q. In other words, if Ann Sidorovich would come, she was up in the apartment that night, you were up in the apartment that night; she knew what you looked like; you knew what she looked like; but if somebody else would come, this would be mutual identification; is that right?

Mr. E. H. Bloch: Mr. Cohn, please don't repeat the answer.

Mr. Cohn: If I do so, your Honor, it is for the purpose of clarity. Strange names are coming in. However, I won't do it.

Mr. E. H. Bloch: You know why I don't want you to do it, because sometimes re-emphasis——

Mr. Cohn: I will settle it by saying that I won't do it, your Honor.

May we have the last from the witness?

(Last answer read.)

Q. All right, go ahead from there.

A. Well, Rosenberg and my wife and Ethel went into the kitchen and I was in the living room; and then a little while later, after they had been there about five minutes or so, they came out and my wife had in her hand a Jello [fol. 626] box side.

Mr. E. H. Bloch: Side?

Mr. Cohn: Side.

Mr. E. H. Bloch: S-i-d-e?

Mr. Cohn: That's right.

Q. You mean, the side of an ordinary Jello box?
A. That's right.

Q. About what size Jello box, the small size?
A. The kind you buy in your home.

Q. Right.

A. And it had been cut, and Julius had the other part to it, and when he came in with it, I said, "Oh, that is very clever", because I noticed how it fit, and he said, "The simplest things are the cleverist".

Q. Now, let me see if I understand that. Your wife had one side; is that correct?
A. That's right.

Q. Who kept the other side?
A. Julius had the other side.

Q. Was there any conversation as to what would be done with these two sides?

A. Well, my wife was to keep the side she had, and she was to use it for identification with the person who would come out to see us, and at this point we discarded the idea, discarded the idea of going to Denver.

[fol. 627] Q. Now, I want to stay with the Jello box for a minute here. Am I correct in assuming that the last time you saw the other part—your wife had one part of this side of the Jello box?
A. That's right.

Q. And the last you saw of it on that night was in Rosenberg's hand; is that correct?
A. That's right.

Mr. Cohn: May this be marked for identification, please?

(Marked Government's Exhibit 4 for identification.)

Mr. Cohn: Your Honor, at this point I would like—this will be quite important—to have the witness, as best he remembers it, take this Jello box and cut the correct side into two parts, just as he remembers it was cut on that night, in January of 1945, and I would like to ask him to indicate to the Court and jury which side he kept and which side Rosenberg kept. May I do that?
The Court: All right.

Q. Will you take Government's Exhibit 4 for identification and this pair of scissors, and address yourself to the appropriate side and cut it into two pieces (handing to witness)? Cut it into two pieces resembling the two pieces you saw that night in Rosenberg's apartment?

(Witness cuts exhibit.)

Q. The side that was cut was one of the thin sides; is that [fol. 628] correct?

A. That's right; this is the side I had (exhibiting).

Q. That was the side you had?

A. That's right.

The Court: Mark that for identification.

Mr. Cohen: Yes, and may we have this marked for identification as Government's Exhibit 4-A?

(Marked Government's Exhibit 4-A for identification.)

Q. Where did you last see this other side on that night?

A. In Julius' hand.

Mr. Cohn: May we have the other side marked as 4-B for identification, your Honor?

(Marked Government's Exhibit 4-*b* for identification.)

Mr. E. H. Bloch: Just to clarify myself, if I may, 4-A——

The Court: 4-A is——

Mr. E. H. Bloch: Is the side which the witness kept.

The Court: That is right.

Mr. E. H. Bloch: And 4-B is the side that Rosenberg is alleged to have retained.

The Court: It was, which was last seen in his hand.

Mr. E. H. Bloch: Pardon me, which was last seen in his hand.

[fol. 629] Mr. Cohn: Right, on that night in January, 1945.

We offer them in evidence, your Honor, 4-A and 4-B.

(Government's Exhibits 4-A and 4-B previously marked for identification received in evidence.)

Mr. Cohn: May I exhibit them to the jury, your Honor?

The Court: Yes.

(Government's Exhibits 4-A and 4-B shown to the jury.)

By Mr. Cohn:

Q. Now, I think Mr. Greenglass, we were at the point where you were continuing with further conversation that was had after this Jello box incident had been effected; would you continue and tell us just what was said and by whom?

A. Well, it was at this point that the plan to meet in Denver was discarded, and I suggested the Safeway store, meeting the person we were to meet at a Safeway store, outside, outside of the Safeway store, in Albuquerque, and this was thought to be a pretty good idea. The exact date was left in abeyance, since my wife would follow me out to Albuquerque later and that could be set in that time, I mean, between when I left to go back to Los Alamos and when she came out.

[fol. 630] Q. The date was left in abeyance and would be set before your wife joined?

A. That is correct.

Mr. E. H. Bloch: If the Court please, I am not interfering with this witness' testimony, but very frankly, I am a little confused as to who said what and who said other things?

The Court: All right.

Mr. E. H. Bloch: And I haven't interrupted. He is putting in "since" and giving some of us difficulty in understanding him.

By the Court:

Q. You said that the idea of Denver was discarded; was that at that same meeting at Julius Rosenberg's home?

A. That's right.

Q. Now, at this point, that is the point where the Jello box was cut up, did I understand that this Ann Sidorovich had already left?

A. Oh, she had left.

Q. You and your wife and Mrs. Rosenberg and Julius Rosenberg were present; is that right?

A. That's right.

Q. You are in the living room and they go into the kitchen on this Jello box situation?

A. That's right.

Q. You say her husband was not present?

A. Her husband was not present.

Q. That is right. Now, at what point—before you left [fol. 631] that evening you had decided to abandon the idea of meeting in a movie house in Denver?

A. That is right.

Q. Then who suggested the Safeway Store?

A. I did.

Q. And who said it was a good idea?

A. Julius said it was a good idea.

The Court: Very well. Let me ask you one other question: Did you say what part of the Safeway Store you would meet at?

The Witness: In front of it, not in the store.

The Court: In front of it.

The Witness: That's right.

By Mr. Cohn:

Q. Now I think the last thing you said was the date, the actual date of this meeting was left up in the air until such time as your wife joined you, and when she came out she would know the further details?

A. That is correct.

Q. Now, was there any further conversation between you and your wife and the Rosenbergs on that evening?

A. Well, the Rosenbergs told my wife that she wouldn't have to worry about money because it would be taken care of—I mean, she would be able to get out there and live out there, if she wasn't able to work, the money would be forthcoming.

By the Court:

[fol. 632] Q. Was that in your presence?

A. In my presence.

Q. Both of them said that?

A. Julius, and Ethel backed it up. Earlier in the evening, during these conversations, my wife had remarked to Ethel that she had looked kind of tired and she said she was tired because she——

By Mr. Cohn:

Q. Who said this?

A. My wife had remarked to Ethel that she looked tired.

Q. Ethel looked tired?

A. And Ethel remarked that she was tired between the child and staying up late at night, keeping—typing over notes that Julius had brought her—this was on espionage.

Mr. E. H. Bloch: I move to strike out the last.

The Court: Did she say that?

The Witness. She said "in this work". She also stated that she didn't mind it so long as Julius was doing what he wanted to do.

Q. During this evening, was any reference made by either of the Rosenbergs, to the material which you had turned over to Julius a couple of days before?

A. Well, we discussed the lenses—we generally talked shop about what I had done at Los Alamos, and we discussed lenses all during this evening, and, you know, whatever was going on at Los Alamos, scientists——

[fol. 633] Q. Was anything said about——

A. Scientists, of that nature; things of that nature; and he said that he would like me to meet somebody who would talk to me more about lenses.

Q. Did he tell you who this person he wanted you to meet was?

A. He said it was a Russian he wanted me to meet.

Q. Did he give you any further identification on that night?

A. No.

Q. Now, after the conclusion of this evening, did you return home?

A. At the end of this evening I returned home.

Q. About what time do you think you left Rosenberg's apartment?

A. Oh, it was twelve or maybe possibly later.

Q. Did you and your wife have any further conversation about anything that had transpired when you returned home?

A. Well, she showed me the piece, the Jello side, the Jello box side, and she put it in her wallet.

Q. In her wallet?
A. That's right.

Mr. E. H. Bloch: If the Court please, I am objecting to any conversation between this witness and his wife outside of the presence of the defendant Rosenberg and the other defendants, and likewise any acts that may have taken place, in which the Rosenbergs weren't present. I [fol. 634] just want to reserve objection for the record.

The Court: Very well. You know the ruling; you know the reason for my ruling.

Mr Cohn: Of course, your Honor, I offer them as statements by co-conspirators in furtherance of the conspiracy.

Q. Now, did anything further come of Julius's statement that he wanted you to discuss this lens with the Russian?
A. Yes.
Q. Tell us.
A. A few nights later—well an appointment was made for me to meet a Russian on First Avenue, between 42nd and 59th Streets—it was in that area.
Q. Who made the appointment?
A. Julius made the appointment.
Q. When was it in relation to the dinner meeting in January?
A. It was a few days after. I took my father-in-law's car and drove up there. It was about eleven-thirty at night. I remember coming up the street. It was quite dark and there was a lighted window. I passed that in parking—it was a saloon—I parked up the block from it, and in a little while Julius came around the corner, looked into the car, saw who I was; said, "I will be right back": brought back a man; introduced the man to me by first name, that I don't recall at this time, and the man got into the car [fol. 635] with me. Julius stayed right there and we drove around——
Q. Let me see if I understand it. When you say "Julius stayed right there", was Julius in the car or not?
A. He was not in the car.
Q. He merely effected the introduction?
A. He just introduced me to him.
Q. And remained on the street?

A. And remained on the street.

Q. Where did you drive?

A. Well, we drove all over that area. He just told me to keep driving and he asked questions about lenses.

Q. Did he ask you specifically about this high explosive lens?

A. He did. He asked about high explosive lenses and he wanted to know pertinent information, type of H. E. used.

Mr. E. H. Bloch: I move to strike out "pertinent" as a conclusion.

The Court: Strike out "pertinent". Tell us what he wanted to know.

The Witness: He wanted to know the formula of the curve on the lens; he wanted to know the H. E. used, and means of detonation; and I drove around——

The Court: And what, means of detonation?

The Witness: That's right; and I drove around, and [fol. 636] being very busy with my driving, I didn't pay too much attention to what he was saying, but the things he wanted to know, I had no direct knowledge of and I couldn't give a positive answer.

Q. Now, about how long did this drive with the Russian last?

A. About twenty minutes or so.

Q. Where did it terminate?

A. At the same place that it originated.

Q. Did you see Julius any more on that night?

A. Yes, he came back—I mean, he was around there, and the Russian got out and they went off together, and I drove back home.

Q. Did Julius give you any instructions?

Mr. E. H. Bloch: Now, if the Court please, just a second. I move to strike out the characterization of the man that he met, especially in the last answer, as "Russian".

The Court: That is denied. The testimony, as I understand it, is that Julius said he wanted to introduce him to a Russian.

Mr. E. H. Bloch: Yes, but whatever the defendant Rosenberg may have said doesn't substitute for the fact, which

I contend the prosecution must prove, namely, that this man was a Russian or a Russian subject or citizen.

The Court: We will understand that when he said "a [fol. 637] Russian" we will accept that the Russian that he is characterizing as such was the man who Mr. Rosenberg had characterized as "a Russian".

By Mr. Cohn:

Q. Did Julius give you any instructions as to where you should go and what you should do after you concluded this drive with the man who you described as "a Russian"?

A. He said, "Go home now. I will stay with him". He was going to have something to eat with him.

Q. Did you in fact return home?

A. I went home.

Q. Did you tell you wife where you had been?

A. Yes, I told my wife where I had been.

Q. Now I think you told us you arrived in New York on this furlough on January 1, 1945; is that correct?

A. That is correct.

Q. About when did you leave New York and return to Los Alamos?

A. About the 20th.

Q. Did your wife go with you?

A. She did not go with me.

Q. Did there come a time when she joined you at Albuquerque?

A. She did.

Q. Will you tell us when that was?

A. That was in the springtime, it was about March or April—early—late March, early April, I think.

Q. Of 1945?

A. Of 1945.

[fol. 638] Q. Where did your wife live when she got out to Albuquerque?

A. Well, at first she stayed in a fellow G. I.'s apartment, a man by the name of Delman. He and his wife had gone east on furlough. Then she stayed at a fellow by the name of Spindel's apartment. Then we had our own place.

Q. Now, when you say you had your own place, was it a house, an apartment, or what?

A. It was an apartment at 209 North High Street.

Q. 209 North High Street. That was in Albuquerque?

A. In Albuquerque.

Q. Were you able to go home every night?

A. No, I wasn't.

Q. When did you go to the apartment?

A. Well, usually Saturday night. I would start down and get there sometime Saturday evening.

Q. When would you return to Los Alamos?

A. Sunday—I mean Monday, early in the morning.

Q. Were you in this apartment—was your wife in this apartment, were you in there over the weekends during the month of May and during the month of June, in 1945?

A. I was.

Q. Now, Mr. Greenglass, did Ann Sidorovich ever come out to see you?

A. No, she didn't.

Q. Did somebody else come out to see you?

A. Yes.

[fol. 639] Q. Was it a man or woman?

A. It was a man.

Q. And when was this visit?

A. First Sunday in June, 1945.

Q. Did you at that time know the name of this man?

A. I did not.

Q. Do you now know his name?

A. Yes, I do.

Q. What is it?

A. Harry Gold.

Mr. E. H. Bloch: Your Honor, again I would like to state for the record that I am objecting to anything that happened out in New Mexico, outside the presence of the defendant Rosenberg, and more specifically, upon the ground that there is nothing in this witness's previous testimony to lay the foundation for the introduction of this evidence, reflected by the last question or by the last two questions.

The Court: That last objection is very vague, but there

is just no question in my mind as to the competence of this evidence, so I will overrule your objection.

Mr. E. H. Bloch: I respectfully except.

(Government's Exhibit 5 marked for identification.)

Q. Do you recognize this picture, Mr. Greenglass (showing)?
A. Yes, I do.
Q. Who is that?
A. That is Harry Gold.

Mr. Cohn: We offer it in evidence, your Honor.

(Government's Exhibit 5 for identification received in [fol. 640] evidence.)

The Court: Excuse me. Where did he come to see you, in Albuquerque?
The Witness: In Albuquerque.
Mr. Cohen: Would your Honor want to take the morning recess at this point?
The Court: Yes. We will take a recess at this point.

(Short recess.)

(Jury in box.)

Mr. E. H. Bloch: If the Court please, may I ask whether the prosecution would have any objection to offering for identification, the remaining portions of the Jello box, from which the witness cut the sides?
Mr. Cohn: It has already been done, your Honor.
The Court: It has already been done.
Mr. E. H. Bloch: It is marked?
Mr. Cohn: Exhibit 4 for identification and the two parts have been received in evidence.
Mr. E. H. Bloch: 4-A and 4-B. I was a little confused about that. Thank you very much.
Mr. Cohn: Did you want to examine it?
Mr. E. H. Bloch: No, thank you very much.

[fol. 641] Q. When did you say it was that Harry Gold came to your house, Mr. Greenglass?
A. It was the third Sunday in June 1945.

Q. What time of day?
A. It was in the morning.
Q. Who was home?
A. I and my wife were home.
Q. Would you tell us exactly what happened from the first minute you saw Gold?

Mr. E. H. Bloch: My objection still stands, your Honor.
The Court: Yes, overruled.
Mr. E. H. Bloch: Exception.

A. There was a knock on the door and I opened it. We had just completed eating breakfast, and there was a man standing in the hallway who asked if I were Mr. Greenglass, and I said yes. He stepped through the door and he said, "Julius sent me," and I said "oh," and walked to my wife's purse, took out the wallet and took out the matched part of the Jello box.
Q. That was Government's Exhibit 4-A, is that correct?
A. The Jello box.
Q. The piece you retained that night?
A. Yes.
Q. After you produced that did Gold do anything?
A. He produced his piece and we checked them and they fitted, and the identification was made.
Q. In other words, he had——
[fol. 642] A. He had the other part of the box.
Q. And you had last seen that in Rosenberg's apartment that night in January, 1945?
A. That is right.
Q. Now, after mutual identification was effected, did you have any conversation with Harry Gold?
A. Yes. I offered him something to eat and he said he had already eaten. He just wanted to know if I had any information and I said, "I have some but I will have to write it up. If you come back in the afternoon I will give it to you." I started to tell him the story about one of the people I put into the report, and he——
Q. Who was one of the people you put into the report?
A. A fellow by the name of Bederson, and he cut me short.

Q. What kind of person was he? Why did you put him in the report?

A. Well, I considered him good material for recruiting into espionage work.

Mr. E. H. Bloch: I move to strike out the part of the answer with respect particularly to the words "espionage work" as reflecting only the operation of this witness's mind.

The Court: No, I will overrule it. The witness has already testified that Mr. Rosenberg had asked him on a previous occasion to send such names of anybody whom [fol. 643] he considered to be a good recruit, and I am overruling the objection.

Mr. E. H. Bloch: Then, if the Court please, may I ask Mr. Cohn to clarify what report this witness is referring to?

The Court: Yes.

Mr. Cohn: I will be glad to do that, your Honor.

The Court: Yes.

Q. In which report had you mentioned the name which you discussed with Gold?

A. I mentioned it in that particular report that I gave him that day.

Q. The report you gave Gold later that day?

A. Yes.

Q. You discussed the name before you embodied it in the report?

A. That is right.

Q. Tell us just what was said by you and Gold.

Mr. E. H. Bloch: When was this? Morning or afternoon?

Q. Mr. Bloch wants to know when was it?

A. This particular time was the morning. He cut me short on the business with Bederson. He said he didn't want to know about it and he left and I got to work on the report.

Q. Where did you work on the report?

A. Right in the livingroom, my combination livingroom [fol. 644] and bedroom there.

Q. Tell us exactly what you did.

A. I got out some 8 by 10 ruled white line paper, and I drew some sketches of a lens mold and how they are set up in an experiment, and I gave descriptive material that gives a description of this experiment.

Q. Was this another step in the same experiment on atomic energy concerning which you had given a sketch to Rosenberg?

A. That is right, and I also gave him a list of possible recruits for espionage.

Mr. E. H. Bloch: I move to strike out the last two words, "recruits for espionage."

The Court: Overruled.

Mr. E. H. Bloch: I respectfully except. Of course, I don't like to be popping up and down, your Honor. I want to make it clear that I am objecting to this entire line of testimony with respect to this incident between the witness and Gold in New Mexico as not binding upon the defendant.

The Court: Overruled.

The Witness: I gave this list of names and also sketches and descriptive material.

Q. What time of day was it that you gave this material to Harry Gold?

A. It was later in the afternoon. He came back about [fol. 645] 2.30 or 3 o'clock and picked it up.

Q. Did all these sketches and descriptive material concern experimentation on the atomic bomb?

A. That is right.

Q. Tell us exactly what happened when he came back at 2.30?

A. Well, when he came back to the house he came in and I gave him the report in an envelope and he gave me an envelope which I felt and realized there was money in it and I put it in my pocket.

Q. Did you examine the money at that point?

A. No, I didn't.

Q. Did you have any discussion with Gold about the money?

A. Yes, I did. He said, "Will it be enough?" And I said, "Well, it will be plenty for the present." And he

said, "You need it," and we went into a side discussion about the fact that my wife had a miscarriage earlier in the spring, and he said, "Well, I will see what I can do about getting some more money for you."

Q. Was there any further discussion with Gold?

A. Well, he wanted to leave immediately and I said, "Wait, and we will go down with you," and he waited a little while. We went down, and we went around by a back road and we dropped him in front of the USO. We [fol. 646] went into the USO, and he went on his way. As soon as he had gone down the street my wife and myself looked around and we came out again and back to the apartment and counted the money.

Q. How much was it?

A. We found it to be $500.

Q. What did you do with the money?

A. I gave it to my wife.

Q. Going back to these sketches which you gave to Harry Gold, do you remember just what sketches you gave to Harry Gold concerning a high explosives lens mold on that occasion?

A. I gave sketches relating to the experiment set up; one showing a flat—the face of the flat type lens mold.

Q. Face view?

A. Face view of the flat type lens mold.

Q. Have you prepared, at our request, a sketch of this face view?

A. I have.

Mr. Cohn: Let this be marked for identification.

(Marked Government's Exhibit 6 for identification.

Q. Would you examine Government's Exhibit 6 for identication? By the way, you prepared that on June 15, 1950, is that correct?

A. I did.

The Court: Well, 6 for identification, I take it, is a replica of——

[fol. 647] Mr. Cohn: Well, 6 for identification was prepared on June 15, 1950, your Honor, last year.

The Court: Oh, I see.

Q. In answer to his Honor's question is this to the best of your recollection an accurate replica of the face view which you gave Harry Gold in June, 1945?

A. That is right.

Mr. Cohn: I will now offer it in evidence, your Honor.

Mr. E. H. Bloch: Before ruling, may I have one question on the voir dire?

The Court: Go ahead.

By Mr. Bloch:

Q. When you made this sketch on June 15, 1950, and I am referring now to Government's Exhibit 6 for identification, did you rely solely on your memory?

A. I did.

Mr. E. H. Bloch: Now if the Court please, I am objecting to the introduction of this exhibit in evidence upon the same ground which I used in connection with the introduction of one of the previous exhibits. I think it is 2, if I am not mistaken.

The Court: I am admitting it. The weight to be given to it will be entirely up to the jury, but I believe a foundation has been laid for it, and it is being done for the purpose [fol. 648] of permitting the jury to visualize what was turned over, and only in so far as that; it is not being introduced as the document which was given to Gold because, for apparent reasons, the Government couldn't introduce that at this time.

Mr. E. H. Bloch: I respectfully except.

The Court: I will admit it. The weight to be given to it will simply be a question for the jury.

Mr. E. H. Bloch: I respectfully except.

(Government's Exhibit 6 for identification received in evidence.)

The Court: Is this to your present knowledge an exact replica of the sketch which you turned over even to the extent of the comments on the side?

The Witness: It is.

Mr. Cohn: Your Honor, Mr. Saypol reminds me that I did not show the jury the picture of Mr. Gold (handing to jury).

[fol. 649] By Mr. Cohn:

Q. Will you address yourself to Government's Exhibit 6 in evidence and tell the jury what that represents?

A. I showed a high explosive lens mold. I showed the way it would look with this high explosive in it with the detonators on, and I showed the steel tube in the middle which would be exploded by this lens mold.

Q. Now, did you prepare on that Sunday in June, 1945 and give to Harry Gold on that same day, any other sketches concerning this high explosive lens mold for atomic energy?

A. I showed him a schematic view of the lens mold set-up in an experiment.

Q. Now, have you similarly prepared for us a replica as you remember it, of the sketch which you gave Harry Gold on that day?

A. I did.

By the Court:

Q. What do you call this sketch, a schematic view of it?

A. Yes. Well, none of those are to scale. So they are all schematic.

Q. What is the difference between 7 for identification, now being marked, and 6?

A. Well, this shows an experiment.

Q. Actually, the mold being used in an experiment?

A. That is right. The set-up.

(Marked Government's Exhibit 7 for identification.)

[fol. 650] By Mr. Cohn:

Q. Is this the sketch Mr. Greenglass (handing to witness)

A. Yes, it is.

Mr. Cohn: We offer it, your Honor.

Mr. E. H. Bloch: May I ask a question?

Mr. Cohn: Surely.
Mr. E. H. Bloch: To protect the record.

By Mr. E. H. Bloch:

Q. Mr. Greenglass, in connection with Government's Exhibit 7 for identification, can you tell us when you prepared this?
A. I prepared it during this trial.
Q. When specifically, if you remember?
A. Yesterday.
Q. And did you rely solely upon your memory in preparing this?
A. I did.

Mr. E. H. Bloch: Now, if the Court please, I make the same objection upon the same grounds heretofore urged.
The Court: Same ruling.
Mr. E. H. Bloch: (Continuing) To the introduction of Exhibits 2 and 6.
The Court: Same ruling.
Mr. E. H. Bloch: I respectfully except.

(Marked Government's Exhibit 7.)

[fol. 651] By the Court:

Q. Now, the comments on the bottom of No. 7: Were they the same comments you had on the sketch?
A. No. That is just to identify it.
The Court: Oh, well. No, no comments.

By Mr. Cohn:

Q. In other words, that is to describe this, but your recollection is you did not put such description on the same piece of paper when you gave it to Gold?
A. No.

Mr. Cohn: We have no objection at all if that description is cut off, your Honor.
Mr. E. H. Bloch: I can't even answer that, Mr. Cohn, because I am objecting to the introduction of the document.
Mr. Cohn: You don't even want to see it cut off.

Q. Now, you had better look at this in altered form, Mr. Greenglass. Is this the sketch?

A. That is the sketch.

Q. Does this sketch, Government's Exhibit 7 in evidence similarly have letters such as the first one, A, B, C and D, and so forth?

A. Yes.

Q. What do those letters refer to?

A. They refer to the parts of this sketch.

Q. Were letters such as that on the sketch which you [fol. 652] gave to Gold?

A. That is right.

Q. Did those letters refer to descriptive material?

A. They did.

Q. Where was this descriptive material?

A. On a separate sheet of paper.

Q. Did you give that descriptive material to Gold?

A. I did.

Q. Will you tell us the language you used on the separate piece of paper in describing this exhibit to Harry Gold?

Mr. E. H. Bloch: I am sorry. I would like it to be clarified, has this exhibit already been marked in evidence?

The Court: Yes.

Mr. E. H. Bloch: May I ask that I see it for just a moment so I can follow this?

(Mr. Cohn hands to Mr. E. H. Bloch.)

Mr. E. H. Bloch: May I say at this time, your Honor, in view of the last question and in view of the witness' previous testimony, I object to the introduction of this last exhibit and ask that it be stricken from the record, and I likewise ask that Government's Exhibits 2 and 6 be stricken from the record upon the same ground. The exhibit now in evidence, referring to 7, I believe, as well as 6 and 2, have no meaning without the descriptive material [fol. 653] which this witness alleged or states that he gave to Gold at the time he turned over these exhibits. The gist of my argument is that in addition to the other objections that I urged, that this represents a truncated, distorted, abortive picture of what the Government is trying to show

and what this witness, I think, is trying to respond to in answer to Mr. Cohn's questions. I hope that I am making myself clear.

The Court: You are making yourself clear, yes, but I don't agree with you at all. I believe that he is describing verbally the meaning of the lettering on the exhibits. What you are saying is that he must produce a paper that describes it. He is describing it verbally. I overrule your objection.

Mr. E. H. Bloch: I respectfully except.

Mr. Cohn: Obviously, your Honor, we could have had it written on paper, but the witness' words speak for themselves. We wanted the Court and jury to see what the think looked like, the thing he was addressing himself to.

The Court: Yes.

By Mr. Cohn:

Q. Now, would you tell us just what you wrote on this other sheet of paper to describe this exhibit and the letters contained thereon?

[fol. 654] Mr. E. H. Bloch: That is objected to, your Honor.

The Court: Overruled.

Mr. E. H. Bloch: I respectfully except.

A. "A" is the light source which projects a light through this tube "E," which shows a camera set up to take a picture of this light source. Around the tube it is a cross-section of the high explosive lens "C" and a detonator "B" showing where it is detonated, and the course is that when the lens is detonated it collapses the tube, implodes the tube, and the camera through the lens "F" and the film "D" shows a picture of the implosion.

Q. By the way, Mr. Greenglass, I think you have already told us you knew at all times that all of these sketches and descriptive material were secret?

A. I did.

By the Court:

Q. Were there constant experiments going on?
A. Constant.
Q. And the sketches in 6 and 7 were what were considered an advance on these sketches marked as Government's Exhibit 2?
A. Yes.
Q. Well, let us eliminate the word "Advance"; they were just another step?
A. That is right.

Mr. Cohn: In line with your Honor's explanation, we have now arrived at the point where we have the secured permission of the Court to interrupt the testimony of Mr. [fol. 655] Greenglass and put someone on the stand, concerning these other matters.

Mr. Saypol: Your Honor's remarks were quite pertinent.

Mr. E. H. Bloch: I object to Mr. Saypol's statement that your Honor's remarks were quite pertinent. I think the Court itself spontaneously realized that there was a question in your Honor's mind which has not been proved by any evidence——

The Court: No, I didn't realize anything of the kind. Please don't comment on what I have said.

Mr. E. H. Bloch: Well, I am objecting to Mr. Sapyol's statement.

The Court: We will strike Mr. Saypol's statement and strike yours, too.

(Witness Greenglass temporarily excused.)

[fol. 656] Walter S. Koski, called as a witness on behalf of the Government, being first duly sworn, testified as follows:

Direct examination.

By Mr. Saypol:

Q. Dr. Koski, what is your profession?
A. Physical chemistry.

Q. You have heard us suggest to witnesses that they speak up loudly and to keep you in the same category, we will ask you to.

You say you are a physical chemist? Is that what you said?

A. I am.

Q. Are you engaged in that capacity now?

A. I am.

Q. Where are you so engaged?

A. Johns Hopkins University.

Q. Exactly in what capacity are you so engaged at John Hopkins?

A. I am associate professor of physical chemistry.

Q. Collaterally, do you have any other association in your profession?

A. I am consultant at the Brookhaven National Laboratories.

Q. Consultant in what?

A. I am corroborating in a program which has as its objective to measure certain properties of radio-active nuclei.

Q. Nuclear chemistry?

A. Nuclear chemistry or nuclear physics.

[fol. 657] Q. What activity so far as is related to your field is conducted at Brookhaven?

A. Nuclear chemistry.

Q. Is that something related to some sort of measurements?

A. It relates to the measurement of certain properties of radio-active nuclei.

Q. What has been your education?

A. I have a Ph. D. in physical chemistry.

Q. Is that from Johns Hopkins, too?

A. It is.

Q. When?

A. June, 1942.

Q. What was your employment from 1942 to 1944?

A. I was a research chemist at the Hercules Powder Company.

Q. In 1944 did you become associated with the United States Government?

A. I did.

Q. In what capacity?

A. As an engineer at the Los Alamos Scientific Laboratories.

Q. How long did you continue your work there?

A. Up to about September, 1947.

Q. That is about the time that you became associate professor of chemistry at Johns Hopkins?

A. That was.

Q. That was also the time when you took on this retainer as consultant at Brookhaven Laboratories?

A. It was.

Q. That is the Brookhaven National Laboratories, to be exact?

A. Correct.

[fol. 658] Q. Referring now to this period between 1944 and 1947 when you were at Los Alamos, can you tell me generally what instructions were issued to you, if any, concerning the character of the work that was being done there, what your position was to be in respect to publicization?

Mr. A. Bloch: That is objected to on the ground that it is not binding on the defendant and it is heresay.

The Court: Overruled.

Mr. A. Bloch: And therefore incompetent, irrelevant and immaterial.

The Court: Overruled.

Mr. A. Bloch: Exception.

A. We were informed that all work done at Los Alamos was of a highly classified nature.

Q. When you say "classified" do you mean that it was restricted or secret?

A. Secret.

Q. Was that knowledge imparted to you in the form of instructions on one or more occasions?

A. It was imparted to us verbally and by written material.

Q. Is that the atmosphere that prevailed in connection with all of the work that was conducted there?

Mr. E. H. Bloch: I object to the word "atmosphere."
[fol. 659] The Court: All right. Strike it out.

Q. Prior to your arrival at Los Alamos in 1944, did you have knowledge of the work that was going on there?

A. I did not.

Q. Did there come a time when you learned the nature of the activities?

A. There did.

Q. (Continuing) That were being conducted there?

A. There did.

Q. Just reverting for a moment, Doctor, remember, we were discussing secrecy and restriction at Los Alamos: Have you ever seen that before (showing paper to witness)?

A. Yes, I have.

Q. Will you tell us the circumstances under which you say it and when?

A. This was—this is a restricted document that was sent to all people coming into the laboratory.

Q. Did you read it at the time?

A. I did.

Q. Did you familiarize yourself with the contents?

A. I did.

Q. Did you observe as well as you could the instructions that were contained in Government's Exhibit 1?

A. I did.

Q. Those related to what?

A. Related to security and the secrecy of all technical information.

Q. Going forward now at the point where you were [fol. 660] interrupted, you say there came a time when you learned after arrival, what the nature of the work was that was being done at Los Alamos?

A. Correct.

Q. What was the knowledge that you acquired as to the nature of the work?

A. The objective of the laboratory was to construct a nuclear weapon or atomic bomb.

Q. At this point will you tell us whether you performed any particular phase of that work, research, I take it, incidental to the development or incidental to the project?

A. I did.

Q. What did your work involve?

A. My work was associated with implosion research connected with the atomic bomb.

Q. So that we, as laymen may understand, when you say implosion research, does that have something to do with explosives?

A. The distinction between explosion and implosion is in an explosion the shock waves, the detonation wave, the high pressure region is continually going out and dissipating itself. In an implosion the waves are converging and the energy is concentrating itself.

[fol. 661] Q. I take it, concentrating itself toward a common center?

A. Toward a common center.

Q. In other words, in explosion it blows out; in implosion it blows in?

A. Yes.

Q. Is implosion one of the physical reactions incident to the over-all action in the atomic bomb?

A. It is.

Q. So, as I understand you, your precise job was to make experimental studies relating to this phenomena of implosion?

A. It was.

Q. Mr. Koski, in the performance of that work, did you have occasion to use what has been called here a lens, a device called a lens?

A. I did.

Q. What is the lens as you knew it in connection with your experiments?

A. A high explosive lens is a combination of explosives having different velocities and having the appropriate shape so when detonated at a particular point, it will produce a conver-ing detonation wave.

Q. Well, once again, so that we as laymen might understand, I take it our common conception of a lens is a piece of glass used to focus light, is that right?

A. Yes, that is right.

Q. What is the distinction between a glass lens and the type of lens you were working on?

A. Well, a glass lens essentially focuses light. An ex-
[fol. 662] plosive lens focuses a detonation wave or a high pressure force coming in.

Q. What are the physical steps which are involved and which were involved in the production of a lens of the type you have described?

A. The procedure in general was to first make a design of this lens. Then I would go down to the Theta shop which was one of the shops which constructed such material for us.

Q. I take it the design for the mold would be prepared by you or under your supervision?

A. Yes.

Q. Then by the same token, the design or the sketch, we may call it that, may we not?

A. Yes.

Q. Would then be taken by you or somebody under your supervision, probably you, to the Theta shop for mechanical work incidental to its manufacture?

A. Correct.

Q. And then the mold having been manufactured in the Theta shop—that was a machine shop?

A. That was a machine shop.

Q. What would you do with the mold in relation to the explosive for the component part of the lens?

A. This mold was taken out to our laboratory, at a remote site. There this mold was used to cast the high explosive necessary in this lens.

[fol. 663] Q. You say to test the high explosive?

The Court: Cast.

The Witness: Cast.

Q. That is, to shape the explosive?

A. That is right.

Q. In the course of the conduct of those experiments, did you have occasion to utilize different and successively changing designs of lenses?

A. We did.

Q. In other words, as you developed a lens and tested it and experimented with it, the results that you obtained would be utilized by you in the development, in the de-

sign of other lenses which would make up for any observed defect in preceding lenses?

A. They were.

Q. In this work about that time, that is, around 1945, starting the latter part of 1944 into 1945 up to the middle of 1945, did you work particularly on what is known as a flat type lens?

A. I did.

Q. Was this flat type lens and your related experiments, were they involved in the development of the atomic bomb?

A. They were.

Q. Now, in the course of your work when you required a lens of your own intended design or your idea, will you describe for us the procedure which you would follow and which you did follow to the end that you should [fol. 664] ultimately have a mold for the lens?

A. I went down to the Theta shop and there discussed with the people in charge of the shop——

Q. Do you remember their names?

A. Mr. Fitzpatrick and Mr. Marshman. They were sergeants at the time. I told them what we needed, gave them rough sketches and verbally explained whatever information they needed to construct this mold for us.

Q. About that time did you—do you have a recollection of having seen the defendant Greenglass in the Theta shop?

A. I have seen Mr. Greenglass in the Theta shop.

Q. Considering the nature of the work that you had with high explosives, what was the physical location of your laboratories and your experimental area in relation to, say, the Theta shop or the balance of the project?

A. We had offices and small laboratories in the same area that the Theta shop was located in. Our actual experimental work, however, was done at a remote site.

Q. Were there reasons for conducting your work at a remote site?

A. The reasons were that we were handling large amounts of high explosives and they were detonated, and there were very heavy shocks.

Q. Now, you have told us in the course of your ex-

[fol. 665] perimentation several different models of the flat type lens were prepared under your instructions, is that right?

A. That is correct.

Q. Now, once again will you explain why that was necessary?

A. Would you repeat that question?

Q. I think you have told us already that it was necessary to have different models, that is, as you progressed, and as you observed the results of experiments, and you varied the design of the lens itself; that is the form in which the explosive was contained in the lens?

A. Correct.

Q. Was that work at Los Alamos, your experiments, classified as secret?

A. They were.

Q. Did that apply to all technical work that was being conducted at Los Alamos?

A. It did.

Q. I show you Government's Exhibit 1—by the way, just withdrawing that: You have been in attendance here and you have heard the witness, Greenglass's testimony, the defendant Greenglass's testimony, have you not?

A. I have.

Q. I show you Government's Exhibit 2, rather. Will you examine that, please? Do you recognize that exhibit as substantially accurate representation—as a substantially accurate replica of a sketch that you made at or about the time which you have testified to at Los Alamos in [fol. 666] connection with your experimentation?

A. I do.

Q. Is that a reasonably accurate portrayal of a sketch of a type of lens, mold or lens that you required in the course of your experimental work at the time?

A. It is.

Q. Would you recognize it as a reasonably accurate replica of the one you submitted to the Theta machine shop?

A. Yes.

Q. For processing?

A. Yes.

Q. In the manner in which you have testified?

A. I do.

Q. I show you Government's Exhibit 6, as to which you have heard Mr. Greenglass testify, and I ask you whether your answers are the same in respect to that exhibit after you have examined it?

A. They are.

Q. Do you recall that in the course of your experimentation at or about that time in 1945 you obtained from the Theta shop molds of the design indicated by those exhibits?

Mr. E. H. Bloch: Now if the Court please, I am going to ask that——

The Court: I can't hear you.

Mr. E. H. Bloch: I am going to ask that this be made [fol. 667] specific. I think Mr. Saypol referred to the year 1945. I want to draw your attention to what Mr. Greenglass testified as to his position from the time he came to Los Alamos to work to the time he left.

Mr. Saypol: Will you suffer an interruption?

Q. Do you recognize those as depictions——

The Court: I can't hear you, Mr. Saypol.

Mr. Saypol: I am sorry.

Q. Do you recognize those exhibits, that is, 2 and 6, as accurate replicas of sketches submitted by you in 1944 and 1945 to the Theta shop as the result of which molds, lens molds were supplied to you for your experimentation?

Mr. E. H. Bloch: Now, if the Court please, I have no objection to the substance of this question, but I ask that the time be more definitely fixed.

By the Court:

Q. If you can remember the approximate month. If you can remember the day, so much the better. If you can remember the approximate months of those years, when those respective sketches were submitted to the Theta shop, let us have it.

A. I cannot.

The Court: Very well.

[fol. 668] Mr. E. H. Bloch: Then I object to the question as too general.

The Court: Overruled.

Mr. E. H. Bloch: I respectfully except.

By the Court:

Q. You do remember that they were some time during the years 1944 and 1945?

A. They were.

By Mr. Saypol:

Q. Or likely the latter part of 1944 and probably the early or first half of 1945?

Mr. E. H. Bloch: I object to this question of Mr. Saypol's on the ground that it is leading and suggestive.

The Court: You want the time. He is trying to get it for you. When he is trying to get it for you, then you object to it.

Mr. E. H. Bloch: Your Honor tried to get it and was unsuccessful.

The Court: Just a moment. I tried to get it by asking him to give me the month. Now Mr. Saypol is asking him to give that portion of the year, by asking whether it is the latter part or forepart.

Mr. E. H. Bloch: I withdraw my objection.

By the Court:

Q. Do you remember whether it was the latter part of [fol. 669] 1944?

A. It was approximately from the middle of 1944 until about the middle of 1945.

By Mr. Saypol:

Q. You have listened, you said, to the testimony of the defendant Greenglass, in relation to Exhibits 2 and 6. Can you tell us whether his testimony is a reasonably accurate description of the devices portrayed in Exhibits 2 and 6 and the functions they had in connection with your experiments?

Mr. E. H. Bloch: I object to the form of the question.

The Court: Overruled.

Mr. E. H. Bloch: Calling for a conclusion.

The Court: I know, but this man is an expert.

Mr. E. H. Bloch: I want to state the ground of my objection.

The Court: Go ahead.

Mr. E. H. Bloch: I have no objection to this witness testifying to any matters concerning science or within his confidence as a scientist in order to explain to the jury more definitively the lay language of the witness Greenglass.

The Court: Yes.

Mr. E. H. Bloch: But I do object to any question which purports to corroborate in any form of the question asked [fol. 670] the veracity or truthfulness of the testimony of the witness Greenglass.

The Court: Your objection is overruled. He is not asking him to tell the Court and jury whether or not Greenglass was telling the truth or not. He is merely asking him with respect to a scientific subject, on which this witness is eminently qualified to testify concerning it.

Mr. Bloch: I am sure that there would be no dispute about that.

The Court: I am not finished.

Mr. E. H. Bloch: I beg your pardon.

The Court: And I have forgotten what I was going to say. You constantly interrupt me before I am through, Mr. Bloch. I tried not to interrupt you.

Well, I will overrule the objection.

Mr. E. H. Bloch: May I have the question read?

(record read.)

Mr. Saypol: Will you Honor allow me to make an observation on the record in connection with the colloquy just preceding? Dr. Koski, as your Honor has suggested, is an expert in the field. I have produced him additionally as the man who has knowledge—the jury may weigh his testimony——

The Court: I know very well.

[fol. 671] Mr. Saypol: (Continuing.) Of the experiments.

The Court: I know very well, but as to this particular question, however, he was testifying as an expert.

Mr. Saypol: Very well.

By Mr. Saypol:

Q. Now, in respect to Government's Exhibit 7, will you examine that, please, Dr. Koski? Having examined it, having heard Greenglass's testimony as to what it depicts, will you tell us whether it is familiar to you?

A. It is.

Q. What does it portray to you?

A. It is essentially—it is a sketch, a rough sketch of our experimental set-up for studying cylindrical implosion.

Q. Did you hear Mr. Greenglass testify as to the description, written description of that experiment that he delivered to one Harry Gold in June, 1945?

A. I did.

Q. Is Government's Exhibit 7 and the details of the information as testified to by Mr. Greenglass that he said he imparted to Gold in June, 1945 a reasonably accurate—are they reasonably accurate descriptions of the experiments and their details as you knew them at the time?

Mr. A. Bloch: Objected to upon the ground that it is [fol. 672] an attempt to characterize the testimony of another witness; not calling for fact.

(Question read.)

The Court: I will strike from that question, "as testified to by Mr. Greenglass".

Now do you understand the question?

The Witness: I do.

The Court: Can you answer it?

The Witness: They are.

Q. That is the experiment that you yourself were conducting in conjunction with the development of the atomic bomb?

A. They are.

Q. In your special field as you knew it at the time, 1944 and 1945, did you have knowledge that the experiments which you were conducting and the effects as they were observed by you could have been of advantage to a foreign nation?

Mr. E. H. Bloch: Objected to upon the ground that this witness has not been qualified as a political expert; merely as a scientific expert. I object to the question as calling for a conclusion.

The Court: I will overrule it.

Mr. E. H. Bloch: I respectfully except.

A. I wonder if you would repeat the question.

(Last question read.)

[fol. 673] A. I did.

Q. And would that knowledge have been of advantage to a foreign nation?

Mr. E. H. Bloch: The same objection, your Honor.

The Court: Overruled.

Q. This question follows my previous question and your answer; In that field in which you were engaged, do you know whether anywhere else there had been similar prior experimentation?

Mr. E. H. Bloch: Same objection, your Honor.

The Court: Overruled.

Mr. E. H. Bloch: Exception.

A. To the best of my knowledge and all of my colleagues who were involved in this field, there was no information in text books or technical journals on this particular subject.

Q. In other words, you were engaged in a new and *and* original field?

A. Correct.

Q. And up to that point and continuing right up until this trial has the information relating to the lens mold and the lens and the experimentation to which you have testified continued to be secret information?

A. It still is.

Q. Except as divulged at this trial?

A. Correct.

[fol. 674] The Court: As far as you know, only for the purposes of this trial?

The Witness: Correct.

Mr. Saypol: Will your Honor allow a statement for the record in that respect? The Atomic Energy Committee has declassified this information under the Atomic Energy Act and has made the ruling as authorized by Congress that subsequent to the trial it is to be reclassified.

The Court: Counsel doesn't take issue with that statement.

Mr. E. H. Bloch: No, not at all. I read about it in the newspapers before Mr. Saypol stated it.

Mr. Saypol: May I have just a moment, if the Court please?

(Mr. Saypol confers with associates.)

Mr. Saypol: You may examine.

Mr. E. H. Bloch: Will you bear with me for three or four moments, your Honor, since I am not a scientist, I don't want to query about matters which might appear asinine.

Cross-examination.

By Mr. E. H. Bloch:

Q. Dr. Koski, did you turn over any of the sketches requested in Government's Exhibits 2, 6 and 7 to the defendant Greenglass?

A. I did not.

[fol. 675] By the Court:

Q. Was the defendant Greenglass in a position where by reason of his employment in the Theta shop he could see the sketches which you turned over?

A. He was.

By Mr. Bloch:

Q. Mr. Greenglass was a plain, ordinary machinist, was he not?

Mr. Saypol: I object to characterizations.
The Court: I will permit the characterization.

A. Correct.
Q. Now, you heard Mr. Greenglass testify about the E shop, did you not?
A. Yes.
Q. Then I believe he testified that there were two other shops similar to the E shop in that technical area and finally there came a time when there was a new building which was called the Theta building and all the shops moved in there, is that correct?
A. That is not correct.

Mr. Saypol: Well,——
The Court: Well, what is not correct?
The Witness: The Theta shop was a separate shop. All of the shops didn't move into this building.
Mr. Saypol: I want to know what is incorrect.

By the Court:

Q. You are not characterizing that Greenglass had testified to that and therefore was incorrect?
A. No.
[fol. 676] Q. You are characterizing that the statement of counsel as formulated in his question is incorrect.

Mr. E. H. Bloch: Well let us clarify it for everybody's sake then.

By Mr. E. H. Bloch:

Q. Was there an E shop?
A. There was.
Q. And did that E shop at some time move into another building?
A. It did.
Q. What was that other or new building called?
A. That was the location of the Theta shop.

Q. Now, was the Theta shop in existence and used for work at the project while the E shop was being used for work?

A. There might have been some overlapping but I am not sure.

Q. Now, were there other shops besides the E shop—I believe he characterized them as the E. C. shops; you correct me if I am wrong—that also moved into the new building, or the Theta shop at the time that you started to use the Theta shop, is that correct?

A. No. The Theta, E and C shop never were in the same building.

Q. Now, when the personnel of the E shop moved into the Theta building were the same number of machinists used for the work which you supervised?

A. I do no- recall the details about the machinists. I usually contacted their superiors.

[fol. 677] Q. In fact, you very seldom had any conversations with any machinists, is that right?

A. Rarely, but not completely—on occasions we did have.

Q. It was very rare?

A. It was rare.

Q. Now, did you know when the defendant Greenglass became an assistant foreman?

A. I did not.

Q. Did you know when he became a foreman?

A. I did not.

Q. Now, just two more questions, Doctor. Do these exhibits——

The Court: What are the numbers?

Mr. E. H. Bloch: I am going to mention them.

Q. (Continuing)—2, 6 and 7, purport to be a complete picture of these lenses in the scientific sense?

The Court: Do you understand, Doctor, what he means by a complete picture?

The Witness: I am not clear as to what you mean.

Mr. E. H. Bloch: Well, maybe I am a little too vague.

Mr. Saypol: To preserve accuracy, I think the testimony

that 2 and 6 are sketches of molds, and 7 is a description of an experiment.

The Court: That is right.

Mr. Saypol: Am I correct?

Mr. E. H. Bloch: That is correct.

The Witness: That is correct.

[fol. 678] Mr. Saypol: So counsel's question to the extent that it refers to 7 should be corrected.

Q. Well, let us satisfy everybody. I will tell you what I am driving at, Dr. Koski: is it not a fact that a scientist would not consider Government's Exhibits 2, 6 and 7, whether or not two of them relate to a lens and one of them relates to some kind of cylindrical apparatus, until the scientists knew the dimensions of the lens or the cylindrical apparatus?

A. This is a rough sketch and, of course, is not quantitative but it does illustrate the important principle involved.

Q. It does omit, however, the dimensions?

A. It does omit dimensions.

Q. It omits, for instance, the diameter, does it not?

A. Correct.

Q. Now is it not a fact that——

The Court: You say it does, however, set forth the important principle involved, is that correct?

The Witness: Correct.

The Court: Can you tell us what that principle is?

The Witness: The principle is the use of a combination of high explosives of appropriate shape to produce a symmetrical converging detonation wave.

Q. Now, weren't the dimensions of these lens molds very [fol. 679] vital or at least very important with respect to their utility in terms of success in your experiments?

A. The physical over-all dimensions that you mention are not important. It is the relative dimensions that are.

Q. Now the relative dimensions are not disclosed, are they, by these exhibits?

A. They are not.

Mr. E. H. Bloch: That is all.

Redirect examination.

By Mr. Saypol:

Q. The important factor from the experimental point of view is the design, is it not?

A. Correct.

Q. That was original, novel at the time, was it not?

A. It was.

Q. Can you tell us, Doctor, whether a scientific expert in the field you were engaged in could glean enough information from the exhibits in evidence so as to learn the nature and the object of the experiment that was involved in the sketches in evidence?

A. From these sketches and from Mr. Greenglass's descriptions, this gives one sufficient information, one who is familiar with the field, to indicate what the principle and the idea is here.

Q. And would I be exaggerating if I were to say, colloquially, that one expert, interested in finding out what was going on at Los Alamos, could get enough from those [fol. 680] exhibits in evidence which you have before you to constitute a tip-off as to what was going on at Los Alamos?

Mr. E. H. Bloch: I object to the form of the question, calling for the operation of somebody else's mind.

Mr. Saypol: I am talking about an expert, if the Court please.

The Court: Yes. What are you objecting to? The use of the words "tip-off"?

Mr. E. H. Bloch: No.

The Court: You are not objecting to the use of those words?

Mr. E. H. Bloch: I am objecting to that amongst other things, but my objection goes to the very substance of the question.

The Court: And in addition you object to the words "tip-off"?

Mr. E. H. Bloch: Yes.

The Court: I will overrule the objection but we will change "tip-off" to "indication."

Mr. Saypol: May we substitute "reveal"? Reveal what was going on at Los Alamos.

(Last question read as follows:)

"Q. And would I be exaggerating if I were to say colloquially that one expert, interested in finding out what [fol. 681] was going on at Los Alamos, could get enough from those exhibits in evidence which you have before you to reveal what was going on at Los Alamos?

A. One could.

Mr. E. H. Bloch: Of course my objection still goes.

Q. Rather than using the preliminary——

Mr. E. H. Bloch: I am sorry.

Mr. Saypol: Let me finish the question.

Mr. E. H. Bloch: I want to preserve the record. Go ahead.

Q. Rather than using my former question, as to suggesting that it would be an exaggeration, is it not a fact that one expert could ascertain at that time if shown Exhibits 2, 6 and 7, the nature and the object of the activity that was under way at Los Alamos in relation to the production of an atomic bomb?

A. He could.

Mr. Saypol: That is all.

Mr. E. H. Bloch: Will your Honor bear with me just a moment? No further questions.

Mr. Saypol: May I address one further question? It is a technical and it has been suggested to me.

By Mr. Saypol:

Q. There was a question put to you by counsel regard- [fol. 682] ing the fact that the exhibits do not show the dimensions. Then there was some statement as to relative dimensions. Distinguishing between relative dimensions and design, it is not the fact that design of the component was the primary fact of importance in these sketches?

A. It was.

Q. So that the sketches, particularly 2 and 6, do show relative dimensions in that they show the relations of each of the factors in the lens, one to the other?

A. They do.

Mr. Saypol: That is all.

Recross-examination.

By Mr. E. H. Bloch:

Q. Well, Doctor, when you gave instructions to, I believe you said it was Sergeant Fitzpatrick—was that the name?

A. Yes.

Q. And the other gentlemen?

A. Marshman.

Q. Did you detail with any specificness the measurements of the lens or of the component parts of the lens that you wanted constructed?

A. I gave specific instructions. I gave rough sketches, and then while this lens mold was in progress we had to send down one of our men to sketch out, to precisely draw the shape of this lens on the metal from which it was being cut.

Q. When you say precisely draw, are you saying now that precision work was necessary in the construction of this mold lens?

[fol. 683] A. The shape of this lens is an important factor.

Q. So aside from the shape—I am trying to direct your mind, Doctor, to the precision, quality of the work that was entailed and necessary in the construction of the lens.

A. It had to be a precision job.

Mr. R. H. Bloch: That is all.

By the Court:

Q. While there might have been some other details that might also have been of some use to a foreign nation which were not contained on Exhibits 2, 6 and 7, the substance of your testimony, as I understand it, was that there was sufficient on Exhibits, 2, 6 and 7 to reveal to an expert *which* was going on at Los Alamos?

A. Yes, your Honor.

Mr. Saypol: That is all.

Mr. E. H. Bloch: That is all.

The Court: It is about twelve minutes of one now. In view of the fact that I turned over Court's Exhibits 1 to 5, we will take a rather extended luncheon recess. So you may now have an hour and forty-five minutes to examine them, and we will return here at two-thirty, ladies and gentlemen.

(Recess until 2:30 p. m.)

[fol. 684] AFTERNOON SESSION

COLLOQUY BETWEEN COURT AND COUNSEL

(Jury not present.)

Mr. E. H. Bloch: May we approach the bench?

(The following discussion took place at the bench, outside of the hearing of the jury;)

Mr. E. H. Bloch: If the Court please, with respect to the documents in the grand jury minutes which have been offered for identification, the defendant Julius Rosenberg and the defendant Ethel Rosenberg are satisfied to let the record stand as it is.

The Court: Very well.

Mr. Phillips: As for the defendant Sobell, frankly, I am not quite convinced that I would be doing my duty by answering one way or the other. My mind is open. I have tried to weigh it, and I am very conscientiously concerned with respect to making a decision at this time. I should like the indulgence of the Court to think it over between tonight and tomorrow.

The Court: I am going to ask you to make your decision now. You have had one hour and 45 minutes.

Mr. Phillips: Do you know how much reading matter there is?

The Court: I read it myself, Mr. Phillips.

[fol. 685] Mr. Phillips: Did you read all the statements in an hour and a half?

The Court: I read every word of it and I read it in about 35 minutes, having in mind the testimony while I was reading it.

Mr. Kuntz: The point is, it took us all the time; we had a sandwich brought in.

Mr. Phillips: We were sitting here all the time.

Mr. Kuntz: May I say this: We had finished shortly before recess was about to end. Mr. Phillips and I were in the middle of discussing this question. I will tell you that very frankly.

The Court: Do you want another five minutes?

Mr. Phillips: We are in disagreement at this moment.

Mr. Kuntz: I personally feel, as far as our client is concerned, I am satisfied with the record as it stands. We are in the midst of discussing it. I don't know how long it will take me to convince Mr. Phillips. I am telling you that very frankly there is disagreement between us.

Mr. Phillips: Let it be understood that I am not dissatisfied with the record as it stands, but I am at present of the opinion that using the statement of June the 20th——

[fol. 686] Mr. Kuntz: July 20th.

Mr. Phillips: Of July 20th and July 21st, only, these two records, as a basis of a few questions to the witness Elitcher, that might clarify certain elements of the situation in favor of Sobell.

The Court: It might clarify it also in favor of the government.

Mr. Phillips: Please.

The Court: That was the feeling I had when I read it.

Mr. Phillips: If I did not have such feeling—

Mr. Saypol: That is why I think I had the right to use it.

Mr. Phillips: I will make up my mind, but that is one thing that is a problem.

The Court: Off the record.

(Further discussion off the record.)

Mr. Kuntz: I think the record is favorable.

Mr. Phillips: For the next 30 years I will worry about it.

The Court: Then, as I understand it, gentlemen, every-

body is now in agreement that there is going to be no further use made of Court's Exhibits 1 to 5 and the witness Elitcher is excused; is that correct?

Mr. E. H. Bloch: Yes.

[fol. 687] Mr. Phillips: By the way, I don't like the word "agreed"; we are not all agreed.

The Court: You are waiving your right.

Mr. Phillips: My request is still for time to actually make up my mind.

The Court: All right, at this particular point now you desire no further examination of Mr. Elitcher. You have examined Court's Exhibits 1 to 5 and you have heard what Mr. Bloch said; you have heard what you associate said, and as far as you are concerned you don't want Mr. Elitcher to take the stand.

Mr. Phillips: As far as I am concerned, I am not prepared *not* to examine Mr. Elitcher and I make request of the Court to give me time until tomorrow morning to make up my mind as to what is in the best interests of justice to my client.

The Court: I have given you one hour and 45 minutes now to do. I personally read all of that matter in 35 minutes.

Mr. Phillips: Maybe I am not as quick-witted as the Court.

The Court: You are very quick-witted.

Mr. Saypol: When your Honor refers to Mr. Phillips' associate, you mean Mr. Kuntz.

The Court: I mean Mr. Kuntz, yes.

[fol. 688] Mr. Phillips: Mr. Kuntz and I are at variance at this point.

The Court: Very well then, we will proceed with the next witness.

The Court: Send for the jury.

(The jury returned to the courtroom at 2:40 p. m.)

The Court: Do you want the witness Greenglass?

Mr. Saypol: Yes, we have sent for him.

Mr. Cohn: Yes.

DAVID GREENGLASS, resumed the stand.

Direct examination continued.

By Mr. Cohn:

Q. Mr. Greenglass, one thing I forgot to ask you about this morning in connection with the meeting up at Rosenberg's apartment, when you and your wife went there for dinner after Ann Sidorovich had left the apartment. Did you have a conversation with Mr. and Mrs. Rosenberg?

A. Yes, I did.

Q. Will you tell us what they said to you at that point?

A. At that point——

Mr. E. H. Bloch: If the Court please, I submit the question has already been asked and already been answered. I have no objection if Mr. Cohn wants to direct the witness to some specific item which you feel——

Mr. Cohn: That is precisely what I am doing.

[fol. 689] The Court: All right.

A. Well——

Mr. E. H. Bloch: Let us not have a rehash of the testimony.

A. Well, at this point Mr. and Mrs. Rosenberg told me they were very happy to have me come in with them on this espionage work and that now that I was in it there would be no worry about any money they gave to me, it was not a loan, it was money given to me because I was in this work and that it was not a loan.

Q. Did they say anything about the source of that money?

A. They said that it came from the Russians who wanted me to have it.

Q. Now you have told us about the visit of Harry Gold to you in June about the material that you turned over to him. When after that was the next occasion when you saw Julius Rosenberg?

A. It was on my furlough in September, 1945.

Q. Where—you got a furlough in September of 1945?

A. That is right.

Q. Where did you go on that furlough?

A. I went home but I no longer had the apartment at 266 Stanton Street, so we stayed in an apartment where I had been living before I was married, which was in the building that my mother lives in, 64 Sheriff Street.

[fol. 690] Q. In other words, you came from New Mexico to New York for the furlough?

A. That is right.

Q. Did you wife come with you?

A. She did.

Q. Now how long after you arrived in New York——

The Court: Which furlough is this?

Mr. Cohn: September 1945, your Honor. The other one was January, 1945.

The Court: That is right.

Q. You had not been in New York from January, 1945 until September 1945, is that right?

A. I had not, no.

Q. And this meeting with Harry Gold took place out at New Mexico?

A. That is right.

Q. Now, in September 1945, after you returned to New York, when was it that you first saw Julius Rosenberg?

A. It was the morning after I came to New York.

Q. Now, would you tell us what happened? Where did you see him?

A. He came up to the apartment and he got me out of bed and we went into another room so my wife could dress.

Q. Did you have a conversation in that other room?

A. I believe we did.

Q. What did he say to you?

A. He said to me that he wanted to know what I had for him.

Q. Did you tell him what you had for him?

A. Yes. I told him "I think I have a pretty good"—

[fol. 691] "a pretty good description of the atom bomb".

Q. The atom bomb itself?

A. That's right.

Q. Now at this point, Mr. Greenglass, I want to take

you back to your testimony on Friday afternoon. Did I understand you to say—well, I will be a little more specific. I am going to take you back to meeting in January 1945 when you had a conversation with Rosenberg at your apartment. Did I understand your testimony to be that Rosenberg had given you a description of the atom bomb?

A. He did.

Q. He gave you a description of the atom bomb?

A. That is right.

Q. Will you tell us the conversation you had with him at the time when he gave you this description of the atom bomb?

A. Well, he said to me he would have to give me an idea of what the bomb was about so that I would be able to know what I am looking for. He then gave me a description of what I later found out to be was the bomb that was dropped at Hiroshima.

Mr. E. H. Bloch: Now if the Court please, I do not like to interrupt the witness. I move that everything after what he subsequently found out——

The Court: Yes, Mr. Bloch.

Mr. E. H. Bloch: —be deleted from the answer.

The Court: Strike it out.

[fol. 692] Mr. E. H. Bloch: And I also request at this time, in connection with this very specific inquiry that the witness be cautioned against using the word "description" but let us have specifically what the description was.

Mr. Cohn: I intend to come to that directly, your Honor. I can't do everything at one time.

Mr. E. H. Bloch: I am sorry, I did not mean it by way of criticism.

Mr. Cohn: I am sure of that, Mr. Bloch.

Your Honor, I object to striking the remainder of that answer. I think it is important and I don't see why the witness is not able to give us knowledge that he gained in the course of his official duties at Los Alamos.

The Court: You haven't brought out what he subsequently learned, and I don't know from whom.

Q. All right, tell us under what circumstances you subsequently learned that this bomb was the type atom bomb dropped on Hiroshima?

Mr. E. H. Bloch: I object to that as not binding on the defendant.

The Court: Now of course, I take it you are bringing into force his knowledge of a particular project and from what he learned there so that he could apply what was told by Rosenberg to him to the knowledge that he learned [fol. 693] and concluded that that was the bomb on Hiroshima.

Mr. Cohn: Yes, your Honor.

The Court: Very well, I will overrule that.

Mr. E. H. Bloch: Except this, your Honor, I submit that for the purpose of clarity that we are dealing here with a conversation which allegedly took place between this witness and Julius Rosenberg in New York in January, 1945.

The Court: That is correct.

Mr. E. H. Bloch: And I believe that Mr. Cohn was inquiring of the witness what that conversation was.

The Court: That is correct.

Mr. E. H. Bloch: Now I submit that we ought to have that conversation, and if Mr. Cohn specifically wants to point out that this witness may have acquired information later, I can see that but not—what we are trying to do is to anticipate in this conversation, what this witness may have found out years later.

The Court: It is perfectly all right; I see no objection to that.

Mr. Cohn: Of course, your Houor, if Mr. Bloch would let it go on for a while he will see a very clear picture. Sometimes he makes these objections, when if he did not his problem would be made clear to him in two or three [fol. 694] further questions.

Mr. E. H. Bloch: Well, thanks for the suggestion.

Mr. Cohn: All right. That will be a standing suggestion, and if I don't live up to that, Mr. Bloch, of course on cross-examination can inquire fully into any matters which he feels have not been brought clearly out.

Now, could we have my last question read?

(Question read.)

Mr. E. H. Bloch: That is objected to, your Honor, and I assume you have overruled my objection and I take an exception.

A. Well, in the course of my work at——

Mr. E. H. Bloch: Wait. Now I object. I object to the words in the question about the bomb that was subsequently dropped on Hiroshima.

The Court: I overruled your objection. That is what you objected to before.

Mr. E. H. Bloch: Well, I did not think that the word "Hiroshima" was used in the previous question. Maybe I am wrong.

The Court: It was.

Mr. E. H. Bloch: At any rate, my objection stands.

Q. You say in the course of your work?

A. In the course of my work at Los Alamos I came in contact with various people who worked in different parts of the project and also I worked directly on certain ap- [fol. 695] paratus that went into the bomb, and I met people who talked of the bombs and how they operated.

Q. And on the basis of that knowledge and information?

A. I gave the sketches and these reports.

Q. Right; and was it on the basis of that same knowledge and information that you learned that this bomb which Rosenberg had described to you was the type of atom bomb that was dropped on Hiroshima?

A. That is right. They——

Q. All right. Could you tell us, as you remember, in exactly what words Rosenberg described this type atom bomb to you?

A. He said there was fissionable material at one end of a cube and at the other end of the cube there was a sliding member that was also of fissionable material and when they brought these two together under great pressure, that would be—a nuclear reaction would take place. That is the type of bomb that he described.

Q. Was that the first time you had ever heard a description of that type atom bomb?

A. That is right.

Q. Or of any type atom bomb, is that right?

A. That is right.

Q. Now did Rosenberg tell you at that time why he was describing this type atom bomb to you?

A. He was describing it to me so that I should know [fol. 696] what to look for, what I could——

The Court: He told you that?

The Witness: That is right.

Q. After he gave you that description, the Hiroshima type, did you, in ensuing months, gather information concerning the atom bomb?

A. I did.

Q. Will you tell us just how you went about that?

A. I would usually have access to other points in the project and also I was friendly with a number of people in various parts of the project and whenever a conversation would take place on something I didn't know about I would listen very avidly and question——

Mr. E. H. Bloch: I move to strike out the word "avidly".

The Court: Overruled.

Mr. E. H. Bloch: Exception.

Mr. Cohn: May we have the last few words?

(Record read.)

A. (Continuing:) And question the speakers as to clarify what they had said. I would do this surreptitiously so that they wouldn't——

Mr. E. H. Bloch: I move to strike that out.

The Court: You would do it, I take it, so that they wouldn't know it.

The Witness: I would do it so they wouldn't know.

[fol. 697] The Court: Strike out "surreptitiously". Go ahead.

Q. Now, in addition to that fact, you yourself were working on various things used in connection with the experimentation used on the atom bomb?

A. That is correct.

Q. Is that correct?

A. Yes, sir.

Q. Such as this high explosive lens?

A. High explosive lens molds were made in my shop and I got—as a matter of fact, there were molds used on the atom bomb.

Q. Was it on the basis of this knowledge which you had accumulated over those months that you told Rosenberg you thought you had a pretty good description of the atom bomb itself?

A. I did.

Q. Did you at a later time, give to Rosenberg a description of the atom bomb itself?

A. I did.

Q. Now, was this atom bomb which you described to him, the same type atom bomb he had described to you in January?

A. It was not.

Q. Would you explain that to us?

[fol. 698] A. One type of bomb, the one that he described to me, was dropped at Hiroshima, and it was the only type bomb of that nature that was made. The one I got most of my knowledge on, got the knowledge—the information on, was of a different nature. It was a type that worked on an implosion effect.

Q. It was a different type atomic bomb?

A. That is right.

Mr. E. H. Bloch: If the Court please, I move to strike out the answer upon the ground that this witness has not been qualified as an expert.

The Court: Overruled.

Mr. E. H. Bloch: I except.

Q. Was this type atom bomb a type which was manufactured at Los Alamos, to your knowledge, after the Hiroshima bomb was no longer in process of manufacture?

A. That is right.

Q. Did you give Rosenberg the description at that time?

A. No. It was later in the afternoon.

Q. All right. Now, I believe we are at the point where Rosenberg—you told Rosenberg you had a pretty good description of the atom bomb. What did he say to you at that point?

A. He said he would like to have it immediately, as soon as I possibly could get it written up he would like to get it.

[fol. 699] Q. He wanted it written up?

A. Yes.

Q. Now, would you tell us what you did?

A. Oh, besides that, during this conversation, he gave me $200. and he told me to come over to his house. I then went to see my—well, he then left and I was there alone with my wife.

Q. Did you have any discussion with your wife?

A. My wife didn't want to give the rest of the information to Julius, but I overruled her on that. I told her that——

Mr. E. H. Bloch: I object to this, not only because it was not in the presence of the Rosenbergs, but because the witness is stating conclusions.

Q. Tell us what you said to her.

A. I have said that "I have gone this far and I will do the rest of it, too".

Q. How about the money, what did you do with the $200.?

A. I gave that to my wife.

Q. What happened after this conversation between you and your wife?

A. We went down and had——

By the Court:

Q. Before you get to that point, when did you turn over Exhibits 2 and 6?

Mr. Cohn: 2 and 6, your Honor, are the first two exhibits on the high explosive lens.

[fol. 700] The Court: They are replicas of it. When were they turned over?

By Mr. Cohn:

Q. When did you give the first sketch, the first lens mold sketch?

A. That was in January, 1945.

The Court: What about the second one, 6?

Mr. Cohn: Do we have the exhibit here?

Q. This is Exhibit 2. His Honor's question was, when did you turn that over?

A. That was in January, 1945.

Q. To whom did you give it?

A. I gave that to Julius Rosenberg.

Q. Now, Exhibit 6?

A. I gave that to Harry Gold.

Q. In June of 1945 at Alburquerque?

A. In June, 1945, at Alburquerque.

Mr. Cohn: Does that clarify it, your Honor?

The Court: How about 7?

Q. Exhibit 7. Am I correct in stating you gave Exhibit 7 to Gold at the same time you gave him Exhibit 6?

A. I gave that too, that is right.

The Court: Very well.

Q. Now tell us what you did after you had this discussion with your wife.

A. Well, we went down—it was late in the morning—we had a combination breakfast and lunch, and I came back up again and I wrote out all the information and [fol. 701] drew up some sketches and descriptive material.

Q. Did you draw up a sketch of the atom bomb itself?

A. I did.

Q. Did you prepare descriptive material to explain the sketch of the atom bomb?

A. I did.

Q. Was there any other material that you wrote up on that occasion?

A. I gave some scientists' names, and I also gave some possible recruits for espionage.

Q. Now, about how many pages would you say it took to write down all of these matters?

A. I would say about 12 pages or so.

Q. About what time did you complete preparing this report?

A. It must have been about 2 in the afternoon.

Q. Now, tell us what you did after you prepared these 12 pages of written material, including the sketch of the atom bomb and a description of the sketch.

A. My wife and myself got into my father-in-law's car and we drove around to Julius's house. We went up to the house and I gave Julius the information which——

Q. Gave him all of this written information?

A. That is right.

Q. Including this sketch?

A. That is right.

Mr. Cohn: May we have this marked for identification, [fol. 702] your Honor?

(Marked Government's Exhibit 8 for identification.)

Q. Have you prepared for us, Mr. Greenglass, a replica of the sketch—I believe it is a cross-section sketch of the atom bomb—a replica of the sketch you gave to Rosenberg on that day?

A. I did.

Q. I show you Government's Exhibit 8 for identification, Mr. Greenglass, and ask you to examine it and tell us whether or not that is a replica of the sketch, cross-section of the atomic bomb?

A. It is.

Q. And how does that compare to the sketch you gave to Rosenberg in September, 1945?

A. About the same thing. Maybe a little difference in size; that is all.

Q. Except for the size?

A. Yes.

Q. It is the same?

A. Yes.

Q. By the way, who was present when you handed the written material including this sketch over to Rosenberg?

A. My wife, my sister, Julius and myself.

Q. By your sister, you mean Mrs. Rosenberg?

A. That is right.

Mr. Cohn: We offer this in evidence, your Honor.

[fol. 703] Mr. E. H. Bloch: I object to it on the same ground urged with respect to Government's Exhibits 2, 6 and 7, and I now ask the Court to impound this exhibit so that it remains secret to the Court, the jury and counsel.

Mr. Saypol: That is a rather strange request coming from the defendants.

Mr. E. H. Bloch: Not a strange request coming from me at the present.

Mr. Saypol: We have discussed that with the Court, as counsel knows, and I think nothing else need be said. If I had said it or my colleague, Mr. Cohn had said it, there might have been some criticism.

The Court: As a matter of fact, there might have been some question on appeal. I welcome the suggestion coming from the defense because it removes the question completely.

Mr. Saypol: And I am happy to say that we join him.

The Court: All right. It shall be impounded. Let me see it. Do you have any objection to the descriptive words on the bottom wherein it is stated, cross-section A bomb, not to scale?

Mr. E. H. Bloch: I haven't seen the exhibit itself, your Honor.

[fol. 704] The Court: Show it to counsel.

(Handed to Mr. E. H. Bloch.)

Mr. E. H. Bloch: No, I have no objection to that.

Mr. Cohn: May the exhibit be received in evidence, your Honor?

The Court: Yes.

(Government's Exhibit 8 for identification received in evidence.)

The Court: It will be sealed after it is shown to the jury.

Mr. Cohn: Yes, your Honor. I would like to interrogate the witness on the basis of it for a moment. Mr. Saypol calls my attention to the fact that all defense counsel have

not joined in this request that this document be impounded. I wonder if the defendant Sobell's counsel care to join?

The Court: I thought it was understood that where one counsel spoke and the other one didn't object to what he said, by his silence he acquiesced in what the other counsel was saying.

Mr. Kuntz: I thought your Honor made that a rule throughout this trial.

By Mr. Cohn:

Q. Now, Mr. Greenglass, address yourself to that sketch [fol. 705] and tell us, if you will, just what you wrote as best you remember of the descriptive material you gave to Rosenberg in September, 1945, the descriptive material in that sketch.

A. Well, I had this sketch marked A, B, C, D, E, F, and those referred to various parts of the bomb.

Q. Now tell us exactly what you wrote in this descriptive material.

Colloquy Between Court and Counsel

Mr. E. H. Bloch: Before you answer the question, may we come up to the bench, your Honor?

(The following took place at the bench, out of the hearing of the jury.)

Mr. E. H. Bloch: Let me say by way of explanation, Mr. Saypol, that despite the fact that the Atomic Energy Commission may have declassified this, I was not at all sure in my own mind, and I am talking privately, whether or not even at this late date, this information may not be used to the advantage of a foreign power. Remember, I am talking personally. And since you said something which might be an implied criticism of me, and said that in front of the jury, and I certainly don't take umbrage at your criticism, I want to say to the Court as far as this descriptive material is concerned, I am perfectly satisfied that this also be kept secret.

[fol. 706] The Court: Do you want it to be done in camera without the spectators being present?

Mr. Saypol: In fact, if Mr. Bloch will state that that is his request, to be recognized for what it is, we obviously have been proceeding on the assumption——

The Court: That is correct.

Mr. Saypol: That under the law we are required to apprise the defendant of the nature of the case.

Mr. E. H. Bloch: Absolutely.

Mr. Saypol: If Mr. Bloch will state in the presence of the jury that he requests it that way.

The Court: Requests what?

Mr. Saypol: Requests the courtroom to be cleared.

The Court: He doesn't have to request it. I can state it. As long as we have right here Mr. Bloch's statement that he has no objection to clearing the courtroom.

Mr. E. H. Bloch: That is correct.

Mr. Saypol: Well, let us put it this way: I had assumed —I was on the horns of a dilemma. We thought this out very carefully in preparation, the four of us, together with the representatives of the Atomic Energy Commission, Mr. Lane, in my behalf, was—with representatives of the Department of Justice took this up first with the [fol. 707] entire Commission on February 8th and then with the entire representation of the Joint Congressional Committee on Atomic Energy, and the ultimate resolution was that it was left in my discretion as to how much of this material should be disclosed, on the premise that the primary obligation in the administration of justice was that the defendants were entitled to be apprised of the nature of the case against them. I proceeded as I did.

The Court: Correct. Let me ask you this. Perhaps we can even avoid this matter of clearing the courtroom if counsel stipulate right now that the matters that were described, as he is about to describe, were of a secret and confidential nature.

Mr. Saypol: May we do it this way.

The Court: In regard to the national defense.

Mr. Saypol: May I state it on the record in the form of a request or in the form of a request to the Court? Your Honor may address it to the defense counsel for their concurrence. Is that all right? Mr. Denson?

Mr. Denson: Yes.

The Court: Who is that gentleman?

Mr. Saypol: Mr. Denson, Mr. William Denson, chief of the litigation section of the Atomic Energy Commission. [fol. 708] He is here with representatives of the Commission. He has been in attendance on this phase of the case.

The Court: Gentlemen, how do you feel about that, addressing myself to counsel for the defense?

Mr. E. H. Bloch: May I consult with co-counsel for just a moment?

(Defense counsel confer.)

Mr. E. H. Bloch: If the Court please, after some conversation between counsel, we cannot find concurrence among ourselves and, although I have made my position, or at least I have given my thinking to the Court, I am willing in the interest of harmony of the defense, to yield to the reservations and misgivings of Mr. Phillips and Mr. Kuntz and let the trial proceed, and if the Court desires to keep this type of testimony secret I, for one, would have no objection.

The Court: I won't keep it secret from the jury.

Mr. E. H. Bloch: Not secret from the jury.

Mr. A. Bloch: I might say, personally, that I dissent from the conclusion reached by my three friends. I would like to agree with the original proposition.

The Court: You would like to stipulate it?

[fol. 709] Mr. A. Bloch: I would like to stipulate it as an American citizen and as a person who owes his allegiance to this country. I would like to stipulate it first to save the expense; I understand it would save quite an expense to the Government to bring all these people here.

The Court: May I ask you gentlemen, Mr. Phillips and Mr. Kuntz, why aren't you stipulating this?

Mr. Phillips: For the reason that I do not feel that an attorney for a defendant in a criminal case should make concessions which will serve the People from the necessity of proving things, which in the course of the proof we may be able to refute.

The Court: Particularly as to your client, where do you come in on this phase?

Mr. Phillips: That is just the point. It may not be connected. I don't believe it will be, but I am not sure that they may try to connect it later.

The Court: Are you going to be technical and ask them to give specifically every detail? Is that what you want?

Mr. Phillips: Well, if we are not to be connected, it is [fol. 710] of no consequence whether they give details or not.

Mr. Saypol: On the state of the record, I approach the bench at the request of counsel——

The Court: I didn't say you were not connected.

Mr. Saypol: I approach the bench at the request of counsel for the defense or some of them, or one of them who made an offer. I think I should be free now to state that if counsel are not unanimous in preserving secrecy I am inclined to go forward with my proof. That was the offer that was made by Mr. Bloch in the presence of the jury.

The Court: Let me handle it.

Mr. Kuntz: We have no objection.

Mr. Phillips: We don't raise any objection to Mr. Bloch's suggestion. We don't object to that.

The Court: What are you objecting to?

Mr. Phillips: To making concessions at this time.

The Court: Wait a minute. I am not asking for a concession. Are you willing to stipulate that this matter that he is about to testify to, the details, because he will supply it—he has a witness who will say that it concerns national defense and is a secret matter. All they are asking you to do is to stipulate that it is.

[fol. 711] Mr. Phillips: That is the same thing as a concession. I am inclined not to do that, but that doesn't interfere with Mr. Bloch's offer in open court. We don't object to that.

Mr. Kuntz: We don't object to that.

The Court: Wait a minute, you are objecting. You do want the details. You are not willing to agree to them.

Mr. Phillips: Will you please turn back?

The Court: No, I don't want to turn back. Let me hear what Mr. Kuntz says.

Mr. Kuntz: As I understand it, Mr. Bloch's suggestion

was that the public be excluded from hearing any of this testimony.

The Court: That is right, I know that.

Mr. Kuntz: We haven't disagreed with that and we don't disagree with that.

The Court: Well, it is really a matter for you anyway.

Mr. Kuntz: Well, we are not objecting, but as far as a concession, Mr. Phillips feels that way and I don't feel to the contrary; I will say that.

The Court: Well, go ahead.

Mr. E. H. Bloch: I want to clarify my own position here in view of my father's statement. I still adhere to the [fol. 711-A] original offer that I made as implemented by the statement that I have made up here at the bench.

The Court: All right. I will handle it.

Mr. Saypol: I would like to have my position known.

The Court: I will give you a chance to say what you want to say.

[fol. 712] (The following proceedings were resumed in the presence and hearing of the jury.)

The Court: Now, there is a matter of some concern to me personally, that the witness is about to testify to, and the concern I have is as to the method that this testimony should be handled.

Now, Mr. Saypol—Mr. Cohn was about to take detailed proof on certain descriptive matters concerning the atom bomb which the witness contends was turned over to the defendant Julius Rosenberg; that while it might not be in the best interests of the country, was yet a matter that is necessary in the trial of a case and under our democratic form of government.

Mr. Bloch, I understand that you are willing to concede the testimony concerning that particular phase of it, is that correct?

Mr. E. H. Bloch: I was willing to do this, your Honor—I want to restate it very clearly. I thought that in the interest of national security, any testimony that this witness may give of a descriptive nature concerning the last Government exhibit might reveal matters which should not be revealed to the public.

The Court: Therefore?

Mr. E. H. Bloch: And, therefore, I felt that his testimony on this aspect should be revealed solely to the Court, to [fol. 713] the jury and to the counsel and not to the public generally.

The Court: Well, now Mr. Saypol, do you wish to say something?

Mr. Saypol: Yes. I feel free to address myself to the subject in the light of the fact that the situation as it exists, is not of my creation but that of one of counsel for the defendants. The character of the proof has been offered, this witness and the preceding one, has been the subject of very grave consideration by my colleagues, myself, by agencies of the Government, including the Department of Justice, the Atomic Energy Commission and the Joint Congressional Committee on Atomic Energy.

We are cognizant that there had to be balanced on the one hand, the disclosure of the type of information that has come out, and is about to come out, in order to supply the requirements of the Constitutional Rights of defendants to full confrontation. That subject has been expended upon by our courts. That weighed against the national security. That matter is of such gravity that the Atomic Energy Commission held hearings, at which I was represented, as did the Joint Congressional Committee, and representatives of the Atomic Energy Commission have been in attendance here at the trial, as your Honor knows, [fol. 714] have been in constant consultation with me and my staff on the subject.

At least one of the counsel for the defendants, made the offer to preserve the confidential character of this information. I think I stated before that solely for the purposes of this trial, the Atomic Energy Commission had released—had authorized the release of this information so that the Court and the jury might have it. If all counsel for the defendants had joined in Mr. Bloch's suggestion it would have been ideal. In the presence of a conflict amongst the defendants as the prosecutor, my view is that of my colleagues, where I say frankly that the decision is not one that I would freely care to make myself, although I am not unequipped to do so, nor am I hesitant, but it has unanimity amongst us. Since there is no con-

currence among counsel for the defendants, it is my view that we should go forward with the proof as it has proceeded, unless the Court of its own volition, bearing in mind, as I know it will, the Constitutional factors as they relate to the defendants, itself chooses to make an appropriate direction.

The Court: Ladies and gentlemen, in as plain and simple language as I can possibly put it to you, under our form of government, we do not have what has been characterized as "star chamber proceedings", where a defendant is not [fol. 715] permitted to hear the testimony against him or only a portion of testimony is given and certain portions are withheld. When the defendant is put on trial, under our form of government, I am happy to say, he is entitled to full confrontation, and that means confrontation of all the evidence which the Government contends to prove the guilt of the defendant or defendants.

Now, there are some courses open to the Court and I am about to pursue one of these courses reluctantly, but necessarily so. I am going to ask spectators in the courtroom to please leave the courtroom during the course of the taking of these proceedings on the balance of this testimony.

Mr. E. H. Bloch: If the Court please, would this be an appropriate time to take a recess?

The Court: We will take a short recess.

Mr. Fabricant: If the Court please, may I approach the bench? I was about to ask whether I am included or excluded in the instruction you have given?

The Court: You have gone over this with your client, have you?

Mr. Fabricant: I don't know everything that he has said.

The Court: I think perhaps you had better be excluded [fol. 716] on this portion of testimony.

Mr. Fabricant: That is what I wanted to ask.

(Short recess.)

(The following proceedings were had in the absence of the witness, the jury and the general public.)

The Court: Gentlemen, the press sent some representa-

tives in before and they are rather agitated over the fact that I have included them in the barring order.

Now, I would like to have an expression of opinion on that.

Mr. E. H. Bloch: Now, unless Mr. Saypol wants to gather his thoughts—I think he does as I see his expression—I would like to articulate what I think, which is really in confirmation of what I said before, at least in what is implicit in what I said before.

Mr. Saypol: Will you stop for a minute, Mr. Bloch?

Mr. E. H. Bloch: Yes, certainly.

Mr. Saypol: I am sorry to interrupt, but I want the Court to know that present in the courtroom, in addition to my staff, representatives of the FBI——

Mr. Phillips: A little louder please, Mr. Saypol.

Mr. Saypol: I say in addition to my staff and myself are present, in the courtroom, representatives of the Federal [fol. 717] Bureau of Investigation, the Atomic Energy Commission who have been in attendance, Mr. Nicholson of the Department of Justice, and Mr. Sheehy, representing the Joint Congressional Committee, and I take it that it is appropriate in the light of the Court's ruling that they be in attendance.

The Court: I am dealing with another subject, and I am not prepared to discuss that now. I am directing my attention to something else entirely. We are not yet dealing with the testimony. The question now is whether or not the press should be barred. I think Mr. Saypol, perhaps you ought to discuss it with the representatives of the Atomic Energy Commission.

Mr. Saypol: Would your Honor allow me a moment?

The Court: Yes.

Mr. E. H. Bloch: I will hold my remarks in abeyance.

(Conference off the record.)

Mr. Saypol: I would be agreeable to that, depending upon their good judgment, and I might say to the Court that I am informed that Senator O'Connor is outside and I would like to ask leave——

The Court: Mr. Benson, will you ask the press to come back before we bring the jury back.

Mr. Saypol: Senator O'Connor, may he come in?
[fol. 718] The Court: Ask Senator O'Connor to come in, too.

Mr. E. H. Bloch: I may say to the Court that I am in agreement with Mr. Saypol's position.

The Court: You agree with his position.

Mr. E. H. Bloch: You want the press excluded.

Mr. Saypol: No, we want them in.

Mr. E. H. Bloch: Oh, I am sorry, then I withdraw my remarks.

Mr. Saypol: Will you join in that?

Mr. E. H. Bloch: No, I did not understand you. My position is that I think the press ought to be excluded in the prohibition.

The Court: In the prohibition?

Mr. E. H. Bloch: I believe so; otherwise I believe the purpose would be defeated, unless the press is enjoined to secrecy.

The Court: No, they won't be enjoined to secrecy. They will be enjoined to good taste.

(At this point members of the press reentered the courtroom.)

The Court: Mr. Murphy, are there any other members of the press who want to come in?

Mr. Murphy: I can get them in in a moment.

The Court: Will you get them?
[fol. 719] Mr. Murphy: Yes.

(Mr. Murphy leave the courtroom and returns with other members of the press.)

The Court: May I say to the members of the press that I have considered the question of the press being present during the period of the taking of this part of the testimony. My personal feeling in the matter is that all of this testimony that is anticipated has probably fallen into the hands of those from whom we are trying to keep the information. However, I personally can't be certain of that fact and whatever course is followed is not a certain course on the matter. However, there has been a discussion here between Mr. Saypol, and I take it representatives

of the Atomic Energy Commission on the subject of whether the press should be present, and it has been resolved generally that the press should be here. However, we are going to trust to your good taste and your good judgment on the matter of publishing portions of this testimony.

Mr. Saypol: May the record show that the defendants are agreeable to that?

The Court: Are the defendants agreeable to that?

I do not think it has anything to do with the agreement of the defendants or not, Mr. Saypol.

[fol. 720] Mr. E. H. Bloch: That is just what I was going to say, but if the record wants to record my views, may I state that I don't consider this entire question involves a question of law.

The Court: I agree.

Mr. E. H. Bloch: And therefore——

The Court: It does not involve any question as to whether the defense is agreeable or not. It is a decision which I am making and I have a responsibility for that.

Mr. A. Bloch: We have no objection to your Honor's attitude in the matter.

Mr. Kuntz: Could I state so that it is clearly on the record that the defendant Sobell, his counsel, have no objection to the exclusion of the public or anybody else that your Honor desires to exclude or to include.

The Court: Have you had a chance to reconsider the question as to whether or not any of this testimony should be taken and whether or not we can't stipulate on the question that it was secret and confidential matter and pertaining to the national defense?

Mr. Kuntz: Well, Mr. Phillips and I are in complete agreement that we would not be defending the rights of our client properly by stipulating any such thing. We feel that our national defense is secure only in so far as [fol. 721] we secure the liberty of our present client, and tomorrow the next client, and so on, and because of that we feel that a confession of that kind would not be in the best interests of the defense of our client, not because of the nature of the testimony or anything of that kind.

The Court: All right.

Mr. A. Bloch: And I want to state on the record, that so

far as my son and myself are concerned, we would be willing to stipulate.

The Court: I understood that to be your position.

All right, let us have the jury back.

[fol. 722] Mr. Saypol: May I apprise the Court of the fact that there is also present, in the court, a representative of the Department of Justice, a representative of the Joint Congressional Committee on Atomic Energy, a member of the United States Senate. I take it that is agreeable?

The Court: That is agreeable.

Mr. Saypol: Now I am advised that the Senator has left. So that reduces the number present.

(The following took place in the presence of the jury:)

By Mr. Cohn:

Q. Now will you tell us just what happened, Mr. Greenglass, after you handed this sketch and the descriptive material concerning the atomic bomb to Rosenberg? What did he do, what did the others there do?

A. Well, he stepped into another room and he read it and he came out and he said "This is very good. We ought to have this typed up immediately". And my wife said, "We will probably have to correct the grammar involved", because I was more interested in writing down the technical phrases of it than I was in correcting the grammar. So they pulled—they had a bridge table and they brought it into the livingroom, plus a typewriter.

Q. What kind of typewriter?

A. A portable.

[fol. 723] Q. Then what?

A. And they set that up and each sentence was read over and typed down in correct grammatical fashion.

Q. Who did the typing, Mr. Greenglass?

A. Ethel did the typing and Ruth and Julius and Ethel did the correction of the grammar. While this was going on, sometimes there would be stretches where you could do—there wasn't too much changing to be made, and at this time Julius told me that he had stolen the proximity fuse when he was working at Emerson Radio.

Q. He gave you that information on that occasion, is that right?

A. Yes.

Mr. E. H. Bloch: If the Court please, I move to strike out that, the reference to stealing the proximity fuse, upon the ground that it is not related to the charge here. It imputes to the defendants the commission of a separate crime. I hink it injects inflammatory and prejudicial material into this trial, and I ask that it be stricken.

By the Court:

Q. Did he tell you what he did with that proximity fuse?

A. He told me that he took it out in his brief case. That is the same briefcase he brought his lunch in with, and he gave it to Russia.

The Court: All right. Strike out "stealing" and we will [fol. 724] let this latter part stand.

Mr. E. H. Bloch: I respectfully except to your Honor's ruling.

The Court: You must remember that the conspiracy charge is a general statement to turn over information to the U. S. S. R. pertaining to national defense. It is not limited to atomic information.

Mr. E. H. Bloch: I understand that, your Honor; in the first place on the present state of the record, no time has been mentioned here with respect to this particular incident, and there is no relation so far as I can see between this stealing or this secretion of this proximity fuse with the general conspiracy which is the specific subject of this charge.

The Court: Overruled.

Mr. E. H. Bloch: I respectfully except and I now ask for the withdrawal of a juror and a mistrial.

The Court: Denied.

Mr. E. H. Bloch: Upon the basis of the Court's ruling.

The Court: Denied.

Mr. E. H. Bloch: I respectfully except.

[fol. 725] Q. Did you know that Julius had been working at the Emerson Electric Company?

A. Yes, I did know it.

Q. Did you know what type of work he had been doing?

A. Yes, he was an engineer and inspector out there.

Q. Do you know whether or not he had any connection with Government work?

A. He worked for the Signal Corps, actually.

Q. He was actually in the employ of the Signal Corps?

A. That's right.

Q. Now, about how long a period of time would you say was consumed in this process of the typing by Mr. Rosenberg of the information that you had furnished to Mr. Rosenberg?

A. Oh, I would say it took most of the afternoon, about 5 o'clock, I guess, when we got done with it.

Q. Did you have any further conversation before you left the apartment on that occasion?

A. Well, that——

Q. Go ahead. I was going to ask you specifically about one thing. Did you have any conversation with Rosenberg about how long you were going to remain in the United States Army at Los Alamos?

A. Oh, I just stated that as soon as I could possibly get out, I was going to go out of the Army, get a discharge.

Q. What did he say?

A. He said he'd want me to stay up in Los Alamos if I could get a job up there as a civilian, stay there as a civilian.

[fol. 726] Q. Did he tell you why he wanted you to stay there?

A. Well, he said that he wanted me to stay there so I could continue to give information.

Q. What did you say?

A. I said I would like to leave the place, I would like to come home.

Q. Now, about how long did this furlough last in September? Was it a long furlough or a short one?

A. It was fairly long. The dates on this occasion—I don't know exactly when I got back to Los Alamos.

Q. By the way, you turned—I think you have told us on several occasions, that you turned over this sketch and descriptive material to Rosenberg, is that right?

A. I said that before.

Q. And that it was typed by Mrs. Rosenberg?

A. That's right.

Q. Do you know what happened to the original notes after the typing was completed?

A. The original notes were taken and burnt in the frying pan and then flushed down the drain.

Q. Who did that?

A. Julius did that.

Q. Pardon me?

A. Julius did.

Q. Now, did you return to Los Alamos in September?

A. I did return to Los Alamos in September, yes.

Q. Did there come a time when you obtained a discharge from the Army of the United States?

A. I did.

[fol. 727] Q. When was that?

A. In February, 1946, last day in February.

Q. Where were you discharged?

A. El Paso, Texas, Fort Bliss.

Q. Did you go from Los Alamos to El Paso?

A. That's right.

Q. Did you receive an honorable discharge?

A. I did.

Q. After you were discharged from the Army at the end of February, 1946, where did you go?

A. I went back to New York City.

Q. Where did you take up residence?

A. First at my mother's home, with an aunt, at 64 Sheriff Street, in the same building that my mother lives, and then at 265 Rivington Street.

Q. And you have resided at 265 Rivington Street up to the time of your confinement on this charge?

A. That's right.

Q. Now, after your discharge from the Army and after you returned to New York, did you go into business?

A. I went into business with Julius Rosenberg and my brother and a man by the name of Goldstein.

Q. Which brother of yours do you refer to?

A. Bernard.

Q. Bernard Greenglass; is that correct?

A. That's right.

[fol. 728] Q. How long did you remain in business with Rosenberg and your brother?

A. Till August, 1949.

Q. In that three-year period, from 1946——

The Court: What business was that?

The Witness: It was two businesses, G. & R. Engineering.

By Mr. Cohn:

Q. Is that Greenglass and Rosenberg or Goldstein?

A. Greenglass, Goldstein and Rosenberg.

Q. The "G" covered two partners whose names began with "G" and the "R" is for Rosenberg?

A. That's right; and then the Pitt Machine Products Corporation.

The Court: Until when did you say that was in business—until when?

The Witness: I was in business until August, 1949.

Q. Now, what type of businesses were these, just in general terms?

A. Machine shops.

Q. Machine shops?

A. That's right.

Q. You continued to work as a machinist; is that correct?

A. That's right.

Q. Now, during those three years from February or March, 1946, until August of 1949, did you see Rosenberg at business from time to time?

A. We did—I did.

[fol. 729] Q. Did you have any conversations with him?

A. I did.

Q. Am I correct in stating you saw him very frequently in business?

A. Yes, every day almost.

Q. Did any of these conversations relate to espionage activities?

A. They did.

Q. Would you tell us those conversations which you recall? Try to tell us as best you can when——

Mr. A. Bloch: I object to it unless the time is fixed.
Mr. Cohn: I am just trying to get him to state it.

Q. Try to tell us as best as you can, if you can remember, when or around when each conversation took place.
A. Well, in '46 or '47 Julius Rosenberg made an offer to me to have the Russians pay for part of my schooling and the G. I. Bill of Rights to pay for the other part, and that I should go to college for the purpose of cultivating the friendships of people that I had known at Los Alamos and also to acquire new friendships with people who were in the field of research that are in those colleges, like physics and nuclear energy.

Mr. E. H. Bloch: I am sorry, may I inquire if the witness is now stating what Rosenberg said to him?
The Court: So I understood.
Mr. E. H. Bloch: Are these the words?
[fol. 730] The Witness: Approximately the words.
Mr. E. H. Bloch: All right.

Q. Did he mention any particular institutions which he desired to have you attend?

A. Well, he would have wanted me to go to Chicago, University of Chicago, because there were people there that I had known at Los Alamos and it was a well-known institution and it was doing a lot of good work in the field of nuclear physics.
Q. Did he mention any other institutions?
A. M. I. T., and then later on when N. Y. U. had a nuclear engineering course he wanted me to take that.
Q. Did he give you the names of any scientists with whom he desired you to build up friendships?
A. No; he told me that at Chicago University there were some people that I had gone to school with, I mean, I had been at Los Alamos with, and that I should cultivate their friendships.
Q. Did he specify how much of this money would be furnished by the Russians?
A. He specified that the G. I. Bill of Rights would pay for my schooling and they would give a certain amount of money for living of the student, and he said the Russians

would pay additional money so I could live more comfortably.

Q. Now, did you ever agree to go to any of these schools?

A. I said I would try, but I never bothered.

[fol. 731] Q. You never, in fact, did go; is that right?

A. That's right.

Q. Now, did Rosenberg tell you anything about activities of this kind in which he had engaged?

A. Well, he had told me that he had people going to schools in various places.

The Court: Will you fix the time when he told you this?

The Witness: It was during this period of 1946 to 1949.

The Court: All right.

A. (Continuing) He told me that he had people going to school in various up-State institutions. He never made mention of the institutions, but he said that he was paying students to go to school.

Q. Did he tell you anything else concerning his activities along these lines?

A. He told me that he had people giving him information in up-State New York and in Ohio.

Q. Did he tell you why they were giving him that information?

A. They were giving information to give to the Russians.

Q. Did he mention any particular place in up-State New York from which he was getting information?

A. He mentioned the fact that he was getting informa-

[fol. 731a] tion from General Electric at Schenectady.

Q. General Electric in Schenectady?

A. That's right.

Q. I think you told us he also mentioned he was getting some information from someone in Cleveland; is that right?

A. That's right.

Mr. E. H. Bloch: I am sorry, I think he said Ohio.

Mr. Cohn: I think he did.

[fol. 732] Q. Well, I will ask you, as a matter of fact, did he say anything to you about getting information from someone in Cleveland?

A. Well, once in the course of the conversation in which we were talking about turret lathes, and where they are

manufactured, he told me that he had seen the Hugh Warner-Swasey turret lathe plant at Cleveland, Ohio, and when later I asked him how come he was in Cleveland, Ohio, he stated to me that he was out there to see one of his contacts.

Q. He did not tell you this contact worked at Warner-Swasey?

A. No, he did not.

Q. He said he had been out to see one of his contacts in Cleveland and while there to see the contact he had gone to this plant?

A. That is right.

Q. Did he mention anything to you about a man named Joel Barr?

A. There was a Joel Barr that used to come around to the place and work on certain of his own work and this Joel Barr subsequently went to Europe.

Q. Did Rosenberg ever——

Mr. E. H. Bloch: I move to strike out the latter part of his answer unless this witness can positively tell this Court and jury that he knows about that fact.

The Court: Or unless he was told it by Rosenberg.

Mr. E. H. Bloch: Or, of course, unless it was part—that [fol. 733] is not the way he stated it though, your Honor.

Q. Did you ever have any conversation with Rosenberg about Joel Barr leaving this country?

A. Rosenberg once told me that Joel Barr was leaving this country to study music in Belgium.

Q. That was in the 1946 to 1949 period?

A. It was in the end of the year 1947.

Q. End of the year of 1947?

A. That is right.

Q. Now, don't tell us what the conversation was at this time, but tell us, as a matter of fact, did you, in the year 1950, have another conversation with Rosenberg about Joel Barr's trip to Europe?

A. That is right.

Q. Did Rosenberg mention to you any Government projects concerning which he had obtained information from any of his contacts?

A. Well, once in the presence of my brother, he mentioned a sky platform project.

Q. A stay platform project?

A. Yes.

Q. Which brother do you refer to?

A. Bernard Greenglass.

Q. He was present when Rosenberg mentioned that?

A. That is right.

Q. Did you have any conversation with Rosenberg about the sky platform project?

A. Yes, I had a conversation with him later. I asked him in privacy——

[fol. 734] Mr. A. Bloch: Can you fix the time?

Q. Can you tell us about when this conversation occurred, the period of years, or months, however you can do it?

A. I would say this was '47, late '47. He told me he had gotten this information about the sky platform from one of the boys, as he put it.

Q. Did he tell you just what information had been given to him by one of the boys concerning the sky platform project? Did he describe it to you at all?

A. Yes, he did. He described it in front of my brother, too.

Q. How did he describe it?

A. He said that it was some large vessel which would be suspended at a point of no gravity between the moon and the earth and as a satellite it would spin around the earth.

[fol. 735] Q. Did he tell you from what part of the country that information had been obtained, where the contact was?

A. I don't recall that.

Mr. E. H. Bloch: I did not get that last answer.

(Answer read.)

Q. Did Rosenberg tell you anything about his own dealings with the Russians?

A. Yes, he did.

Q. What did he tell you?

A. He told me that he—if he wanted to get in touch with the Russians he had a means of communicating with them in a motion picture theatre, an alcove where he would put microfilm or messages and Russians would pick it up.

If he wanted to see them in person he would put a message in there and by pre-arrangement they would meet at some lonely spot in Long Island.

Q. Did he mention anything else along those lines?

A. Well, he——

Q. Let me ask you this, did he mention any other projects, Government projects concerning which he had obtained information?

A. He once stated to me in the presence of a worker of ours that they had solved the problem of atomic energy for airplanes, and later on I asked him if this was true, and he said that he had gotten the mathematics on it, the mathematics was solved on this.

[fol. 736] Q. Did he say from where he had gotten this?

A. He said he got it from one of his contacts.

Mr. E. H. Bloch: If the Court please, that last answer, I wonder whether the witness could clarify who was meant by him when he said "they".

The Witness: "They" meaning scientists in this country.

Q. Now, what did you do in August 1949 when you terminated your business association with Rosenberg?

A. I got a job.

Q. Where did you obtain that work?

A. I got a job at Arma Engineering Corporation in research and development, model shop.

Q. Did you continue to see Rosenberg and your sister from time to time socially?

A. I did.

Q. Mr. Greenglass, do you remember the month of February, 1950 last year?

A. I do.

Q. Did you see Rosenberg in your apartment on the day in February, 1950?

A. I did.

Q. Now, before I ask you for the conversation on that date——

Mr. Cohn: Your Honor, I might say I have one more topic left which I do not think I can complete this afternoon; I think I can complete it fairly early in the morning. I do have one or two things which I omitted in the course of my

[fol. 737] examination today. I wonder if I can go back and go over them before recess?

The Court: Go ahead.

Q. You told us on Friday afternoon, Mr. Greenglass, about the atomic explosion that took place at Alamogordo, New Mexico, is that correct?

A. That is correct.

Q. In July of 1945?

A. That is right.

Q. Did you ever furnish any information concerning that atomic explosion to Rosenberg or to Gold?

A. Yes, I furnished information to Gold. I stated to Gold——

Mr. E. H. Bloch: Could we have the time fixed, please?

The Witness: June, 1945.

Q. You say you stated to Gold. Did you state it verbally or was it part of the written report you gave Gold?

A. Part of the written report.

Q. Will you tell us what you put in that report concerning this explosion?

A. I had told him that the explosion at Alamogordo was to be an equivalent amount of H. E., as they thought the atom—the nuclear fission would amount to; in other words, I had thought at the time that it was going to be an H. E. explosion at Alamogordo.

Q. Did you put that information in this report?

[fol. 738] The Court: By "H. E." you mean heavy explosive?

The Witness: High explosive.

Q. Did you put that information in this report?

A. That is right.

The Court: That was before the explosion had taken place?

The Witness: That is right.

The Court: How long before the explosion?

The Witness: About a month before—it was a little more than a month before.

Q. Now, did Rosenberg ever say anything to you about any reward that he had received from the Russians for the work that he had been doing?

A. He stated that he had gotten a watch as a reward.
Q. Did he show you that watch?
A. He did.
Q. Did he tell you that he had received that watch?
A. I don't recall that.
Q. Did he mention anything else that he or his wife received from the Russians as a reward?

Mr. E. H. Bloch: Now, Mr. Cohn, I was wondering whether you would fix the time of this last watch incident.
Mr. Cohn: I will try to do so.

Q. Can you remember when Rosenberg told you about [fol. 739] the watch?
A. I believe it was in January, 1945.
Q. During your furlough in January 1945?
A. Yes.
Q. Now, did he ever mention anything else that he or his wife had received as a reward from the Russians?
A. His wife received also a watch, a woman's watch, and I don't believe it was at the same time.
Q. Your recollection is that she received that at a different time?
A. Later, at a later date.
Q. When were you told about a watch that Mrs. Rosenberg had received, do you remember that?
A. I don't recall when that was but I do recall that my wife told me of it.
Q. You got that information from your wife, is that right?
A. That is right.
Q. Now, was there anything else that they received which they told you about?
A. I believe they told me they received a console table from the Russians.
Q. A console table?
A. That is right.
Q. When did they tell you about that?
A. That was after I had gotten out of the Army.
Q. Did you ever see that table?
A. I did.
Q. At their home?

A. I did.

Mr. Cohn: I think this would be a very good stopping point, your Honor.

[fol. 740] The Court: All right. Ladies and gentlemen, we will recess until 10:30 tomorrow morning, of course with the admonition of the Court that you do not discuss this case between yourselves or with anybody else, nor permit anybody to discuss it with you. 10:30 tomorrow morning.

(The jury left the courtroom.)

Mr. Saypol: In respect to that portion of the record which your Honor ordered sealed, may we have leave to have that exposed in two copies: One for the Joint Atomic Energy Committee of Congress and one for the Atomic Energy Commission. Those are classified and they are marked secret.

The Court: That is the very discussion I am having with him—off the record.

(Discussion off the record.)

Mr. Saypol: I withdraw my demand or request.

(Adjourned to March 13, 1951, at 10:30 a. m.)

[fol. 741] New York, March 13, 1951: 10:30 a. m.

TRIAL RESUMED

(Jury present in the jurybox.)

DAVID GREENGLASS, resumed the stand.

Direct examination continued.

By Mr. Cohn:

Q. Mr. Greenglass, I think yesterday afternoon you told us that Rosenberg told you that he had received a watch from the Russians; is that correct?

A. That is correct.

Q. Now, did he tell you he received anything along with that watch?

A. He said he received a citation.

Q. Did he describe the citation at all?

A. He said it had certain privileges with it in case he ever went to Russia.

Q. Mr. Bloch, Sr. would like you to keep your voice up.

A. I will.

Q. Now, I asked you yesterday afternoon if you remembered a visit you received from Rosenberg in February of 1950. Do you remember such a visit?

A. I do.

Q. How do you fix the date of that visit?

A. Well, it was a few days after Fuchs was taken in [fol. 742] England.

Q. A few days after the news of Dr. Fuchs' arrest in England appeared in the papers; is that right?

A. That is right.

Q. Where did this conversation with Rosenberg occur?

A. Partly in my home and partly on the street and in a park.

Q. Did it begin at your home?

A. Yes, it did.

Q. Will you tell us just what happened when he arrived there and what happened after that; what he said and what you said?

A. He came up to my apartment and awakened me. It was about in the middle of the morning. I slept late because I work at night. He said that he would like me to go for a walk with him and we went down the street, down Sheriff Street, toward the Hamilton Fish Park, and we walked around the park, and in the park and during this walk he spoke to me of Fuchs. He told me, he said, "You remember the man who came to see you in Albuquerque? Well, Fuchs was also one of his contacts"; and this man who came to see me in Albuquerque would undoubtedly be arrested soon, and if so would lead to me.

The Court: You mean this is what Rosenberg told you?

The Witness: That is right.

A. (Continuing) And Rosenberg said to me that I would [fol. 742-A] have to leave the country; think it over and we will make plans to go. Well, I told him that I would need money to pay my debts back so I would be able to

leave with a clear head, and Rosenberg said that he didn't think it was necessary to worry about it. But I insisted on it, so he said he would get the money for me from the Russians. He then want on to say—I protested further—— [fol. 743] Mr. E. H. Bloch: I move to strike out the word "protested".

The Court: Tell us what you said.

The Witness: I said, "I wouldn't be able to"—"I didn't think it was wise to go right to the Consulate here and ask for a passport", and he said "Oh, they let other people out who are more important than you are", and I said, "Is that so"? And he said, "Yes, well they let Barr out, Joel Barr, and he was a member of our espionage ring".

Q. Was this the Joel Barr you told us yesterday that Rosenberg had told you had gone to Europe at the end of 1947?

A. That is right.

Q. Go ahead.

A. Well, the conversation continued for a little while and he said, "You'll just have to leave and I want to"—oh, I also said to him "Why doesn't this other guy—fellow leave, the one who came to me in Albuquerque"? And he said, "Well, that's something else again", and I went back home after that.

Q. Now, did you have any further conversations with Rosenberg at later times?

A. Yes.

Q. About leaving the country?

A. Yes, I did.

Q. Will you tell us when the next conversation took place?

A. Well, my wife was in the hospital, she had been badly burned in an accident and it was about the middle of April, [fol. 744] it was just about after—before she came out of the hospital, Julius came to see me and he said I would have to leave the country and—well, that was about the gist of the conversation.

Q. He told you again that you were to leave, is that right?

A. Yes, and that he wanted me to go. Then again there was——

Q. Had he given you any money up to this point?

A. No, no money was given to me up to this point.

Q. When was the next conversation?

A. The next conversation was after my wife had gotten out of the hospital about May or just before—it was probably a little before May, and he came up to my apartment in order to get some stocks from me, some shares that I had for a business enterprise I was in with him, and he at this time told me that I would have to leave the country as soon as possible, he would get the information for me to leave. Then——

The Court: Was there any discussion of the country you were to go to?

The Witness: It came—he said I would have to go via Mexico but he didn't give me the complete information as to that until a little later.

The Court: All right.

Q. Now when was the next conversation with Rosenberg [fol. 745] on this subject?

A. Well, it was after my wife came out of the hospital after giving birth to our youngest child.

Q. About when was that?

A. It was May—it was May 22nd or 23rd, something like that.

Q. In that vicinity?

A. In that vicinity.

Q. Yes?

A. It was the next day after she came out of the hospital that Rosenberg came to see me.

Q. Up at your apartment?

A. At my apartment.

Q. Tell us what he said and what you said.

A. And he came into the apartment and he had a Herald Tribune in his hand with a picture of Harry Gold on it and he said, "This is the gentleman who came to see you in Albuquerque".

Q. Is that the copy of the Herald Tribune carrying the case of Harry Gold's arrest for espionage?

A. That is right.

Q. What did he say?

A. He said, "This is the man who saw you in Albuquerque".

I looked at it and I said I couldn't tell from that picture,

and he said, "Don't worry, I am telling you this is the man and you will have to go out—you will have to leave the country", and he gave me a thousand dollars then and said he would give me $6000. more. We then went for a walk.

[fol. 746] Q. Where did you walk, do you remember?

A. We walked down to Delancey Street and down the Drive.

Q. Did you meet anybody you knew during the course of this walk with Rosenberg?

A. Not on this walk.

Q. Go ahead.

A. We walked down Delancey Street to the Drive, the East River Drive and walked along the Drive, during this time he told me what was necessary to—how I was to leave the country.

Q. Tell us exactly.

Mr. A. Bloch: I move to strike that out. It is not a conversation. It is simply a conclusion of the witness how he was to leave the country.

The Court: Overruled.

Mr. A. Bloch: Exception.

Q. Will you tell us exactly what Rosenberg said to you on that subject?

A. Well, he said that I would have to get a tourist card——

Q. For what country, did he tell you?

A. To go to Mexico.

Q. In other words, the first place you were to go to was Mexico?

A. That is right. First I was to go to the border area and at the border area get a tourist card. In other words, not to get the tourist card at some Mexican Consulate in this city but to wait till we get to the border.

[fol. 747] Q. Yes?

A. He told me that in order to get the tourist card you have to have a letter or you have to be inoculated again at the border—a letter from the doctor saying you were inoculated.

Q. For what, did he tell you?

A. For smallpox.

Q. Did he tell you how he found that out?

A. He said he went to see a doctor and a doctor told him about it and I said I would attend to that.

He then told me I would have to have passport pictures made up.

Q. Passport pictures?

A. Of myself, my wife and my family, and also he gave me a certain form letter to memorize and sign "I. Jackson" at the end of the letter. This letter was to be used when I get to Mexico City. I was to write to the Secretary to the Ambassador of the Soviet Union and state in that letter—I don't recall completely right now but something to the effect about the position of the Soviet Union in the U. N.

Q. Something favorable or unfavorable?

A. It was favorable.

Q. Yes. How were you to sign the letter?

A. I was to sign the letter "I. Jackson".

Q. "I. Jackson".

A. Then I was to wait three days at some place—first, of course, to get a place to stay, some place away from the center of town. Then I was to go with a guide to the [fol. 748] city in my hand——

Q. A guide?

A. A guide.

Q. I see.

A. (Continuing) To the city in my hand, with my middle finger in the—between the pages of the guide—go to a place called Plaz de la Colon and look at the statue of Columbus there—and this would be about 5 o'clock in the afternoon, three days after I had sent the letter.

Q. In other words, you would write a letter and three days after that at 5:00 in the afternoon, you were to be in front of the statue of Columbus in Mexico City with this travel guide in your hand, is that right?

A. That is correct.

Q. All right.

A. I was then to wait until some man was to come up close to me and then I would say "That is a magnificent statue", and that I was from Oklahoma and I hadn't seen a statue like it before, and this man was to say "Oh, there

are much more beautiful statues in Paris". That was to be our identification.

Then he was to give me my passports and additional money so that I could go on with my trip. I was then supposed to continue on probably via Vera Cruz——

Q. Vera Cruz?

A. Vera Cruz.

Q. A seaport in Mexico?

A. That is right.

Mr. E. H. Bloch: If the Court please, the witness said [fol. 749] "probably". Now I want to make certain that he is speaking of his own knowledge.

The Court: Yes, he used the word "probably".

A. (Continuing) Well, I was to continue on to Vera Cruz and then to Sweden or Switzerland, one or the other. I would—in Sweden I was to go to the statue of Lineus in Stockholm and repeat—after sending a letter to the Ambassador of the Soviet Union—to the Secretary of the Ambassador of the Soviet Union, with the same type of letter and also "I. Jackson" as the signature again.

I would then go three days later to the statue of Lineus and with a guide in my hand, with my finger in the place, and a man would come up to the statue about the same time in the evening, about 5 o'clock, and I would repeat that it was a beautiful statue, a magnificent statue—something to that effect, and the man would say "There are much more beautiful ones in Paris", and that was to be our contact.

Then he was to give me my means of transportation to Czechoslovakia, and that is where I was to go.

Q. Was that to be your permanent place?

A. Supposedly that was there I was supposed to go; so far as what went after that I didn't know.

Q. Did Rosenberg tell you what you were to do when you [fol. 750] arrived in Czechoslovakia?

A. Yes, he did.

Q. What did he tell you?

A. He told me to write to the Ambassador of the Soviet Union and say that I was here.

Q. Were you to sign "I. Jackson" this time?

Q. My full name was to be signed, "I. Jackson".

Q. All right. Now, did you write down these instructions or did Rosenberg write them down?

A. Nobody wrote them down. I was told to memorize them at this time and I did memorize them.

Q. Did you have any further conversation with Rosenberg on that day?

A. Well, that was the end of the conversation on that day except that—he said that he probably—that he had to leave the country himself and he was making plans for it, and I said, "Why you"? He said that he was a friend—that he knew Jacob Golos, this man Golos, and probably Bentley knew him.

Q. And that he himself was going to leave the country, is that right?

A. And that he himself was going to leave the country.

Q. Now was there any further conversation with Rosenberg on that occasion?

A. Only that he asked me to memorize it and get everything attended to—the passport photographs.

[fol. 751] Q. What did he tell you about the passport photos; he wanted you to got those yourself, is that right?

A. That is right.

Q. Did he tell you exactly what he wanted to know with regard to the passport photos?

A. Yes, he wanted five copies, five pictures, each with myself, by myself, my wife, and then my wife and the children and then myself with the children, and then I think all of us together, the family altogether.

Q. In other words, these five different poses, he wanted five copies of each one?

A. That is right.

Q. What were you to do with those passport photos after you had obtained them?

A. I was to give it to him later on.

Q. Did he say anything to you about a lawyer?

A. Earlier, up in the apartment, he said that he had gotten a lawyer himself, that I should get one but I never did get one.

Q. Now——

A. He said, in case you are picked up before you leave the country.

Q. Now, was there any further conversation with Rosenberg on that day, or did that complete it?

A. That completed the conversation on that day.

Q. All right, what happened next with relation to this subject?

A. Well, the following Sunday was the first time the [fol. 752] baby had ever come down.

Q. This was the baby that was born a short time before?

A. Yes.

The Court: The baby had come down where?

The Witness: In the street.

The Court: I see.

The Witness: Before that it was in the house.

A. (Continuing) So we took the whole family and went over to a photo shop on Clinton and Delancey Street; it is near the Apollo Theatre.

Q. Near the Apollo Theatre.

A. Yes.

Mr. E. H. Bloch: I just want to clarify this. Is it the contention that the Rosenbergs were along?

Mr. Cohn: No, I don't think he said so.

Mr. E. H. Bloch: I wanted to clarify it.

Q. The Rosenbergs weren't with you, were they?

A. No.

Q. Just you, with your wife and the two children, the people who were supposed to be in these passport photos; is that right?

A. That is right.

Q. Go ahead.

A. We went over to the shop and we had these pictures taken; and later that evening I picked the pictures up after they were done; and it was during the week—it was Memorial Day, and I remember I was off that night, Julius came over, and I gave him the pictures in the hallway, because [fol. 753] there were people in my house and I didn't want the people to see Julius coming to visit me.

Q. Now I think you told us that he had asked you to have five sets of pictures taken; is that right? Five poses, five sets each?

A. That is right.

Q. How many, in fact, did you have taken at this passport photo shop?

A. I had six sets of pictures taken.

Q. How many did you give to Julius?

A. Five sets.

Q. What did you do with the sixth set?

A. I kept it in the drawer.

Q. Was that set after your arrest given to the FBI?

A. I gave it to the FBI.

Mr. Cohn: May we have these marked for identification, please?

(Marked Government's Exhibits 9-A and 9-B for identification.)

Q. By the way, I think you gave four of the five to the FBI, is that right?

A. That is right.

Q. Would you look at Government's Exhibit 9-A for identification and 9-B for identification, Mr. Greenglass, and tell us if those are four of the passport pictures you had taken on that Sunday in May of 1950 showing to witness. [fol. 754] A. That is correct; these are the pictures.

Mr. Cohn: We offer them in evidence, your Honor.

Mr. E. H. Bloch: Objected to as not binding on the defendant Rosenberg.

The Court: Did I not understand the testimony to be that they were taken pursuant to instructions?

Mr. E. H. Bloch: You heard the testimony, your Honor, as well as I did.

The Court: I am asking you a question, Mr. Bloch.

Mr. E. H. Bloch: I think it is a fair implication that these, according to this witness's testimony, these pictures were allegedly taken in accordance with the instructions. I am objecting on the most general ground that I have asserted time and time again, any transactions had by this witness outside the presence of Julius Rosenberg are not binding.

The Court: That is the ground of your objection?

Mr. E. H. Bloch: I am waiving any other technical objections. I want to stick on that main objection.

The Court: All right, upon the ground you assert, it is overruled.

[fol. 755] Mr. Cohn: May they be received, your Honor?
The Court: Yes.

(Government's Exhibits 9-A and 9-B for identification received in evidence.)

Mr. Cohn: May I exhibit them to the jury, your Honor?
The Court: Yes.

(Government's Exhibits 9-A and 9-B shown to the jury.)

Q. Now, I think you told us you handed five of the six sets over to the defendant Rosenberg; is that correct, Mr. Greenglass?

A. That is correct.

Q. What else happened on that occasion? I think you said that was in the hall outside of your apartment.

A. That was in the hall. He said that he would come back and give me the additional money.

Q. Well, had he given you any money up to that point?

A. He had given me a thousand dollars.

Q. When had he given you the thousand dollars?

A. When he first came into the apartment and showed me that Harry Gold had been arrested.

Q. He had given you a thousand dollars in cash; is that right?

A. That is right.

Q. What did you do with that thousand dollars?

[fol. 756] A. I gave it to my wife, who paid bills with it and spent it, generally.

Q. Now, go ahead, from the time when you gave him the passport photos he told you he would give you the additional money?

A. That is right.

Q. Any further conversation at that time?

A. No, he just left.

Q. All right, when was the next conversation on this subject?

A. He came back the following week, I believe it was, and it was in the morning, and he came into the apartment, woke me out of bed and put $4,000, in a paper, brown paper wrapping, on the mantel piece in the bedroom, and he then told me, "Let's go for a walk" because he wants to have me repeat the instructions he had given me.

Q. Instructions he had given you and told you to memorize?

A. That is right. I then went down Columbia Street to Delancey Street, and on the way I met two friends.

Q. What are their names?

A. Hermie and Dianne Einsohn.

Q. Tell us the circumstances of your meeting them.

A. They were across the street from us and Julius said to ignore them but I said I couldn't do that because they are friends of mine and they would wonder why I walked by [fol. 756-A] without saying anything. I crossed the street and Dianne said, "Here is the $40. I owe you", and she paid me by check $40.

[fol. 757] Q. Which they had owed you; is that right?

A. That she had owed me; and Julius had crossed the street, walking a little ahead of us, and I then caught up to Julius again. We went down the drive again and he asked me to repeat to him the various instructions he had given me; and I repeated the instructions to his satisfaction.

Mr. A. Bloch: I object to the last part of the answer, "to his satisfaction".

The Court: Yes, strike out "to his satisfaction".

A. (Continuing) I repeated the instructions, and he said that was fine.

Q. Yes?

A. I then—well, that ended the conversation, and he went his way and I went back to my apartment. Later, he came back. I was under surveillance at the time and——

Q. You thought the FBI——

Mr. E. H. Bloch: I move to strike that out.

The Court: I will strike that out unless you tell us how you knew.

Q. Did you think you were being followed at that time?

A. I did think I was being followed.

Mr. E. H. Bloch: I object to it upon the ground that it is not binding on these defendants.

[fol. 758] The Court: Oh, no, no.

Q. All right, let us go to this—you say you had another conversation with Rosenberg; is that right?

A. I had another conversation with Rosenberg.

Q. Tell us what you said and what he said—well, tell us again when did that take place in relation to the last meeting with him?

A. It was—I would say it was—let's say it was like—it is hard to do without saying that I was being—that I noticed some people following me on a Sunday evening; and he came back——

The Court: Who is "he"?

The Witness: Julius came back during that week, which was—oh, I would say, about May—it was June, the 2nd or 3rd or maybe even the 4th; I can't place it exactly, and as he came into the apartment he said, "Are you being followed"? I said, "Yes, I am". He said, "I just came back from up-State New York to see some people, and I was going to Cleveland, Ohio, but I am going"—"I am not going to go there any more"; and he said to me, "What are you going to do now"? I said, "I am not going to do anything. I am going to sit—I am going to stay right here", and he left.

[fol. 759] Q. Did you see him again after that?

A. Only in court here.

Q. Shortly after that, I believe, on June 15th, you were arrested by agents of the Federal Bureau of Investigation?

A. I was.

Mr. Cohn: May I have this marked for identification, please.

(Marked Government's Exhibit 10 for identification.)

Q. Now, get back to this $4,000. for a minute, Mr. Greenglass. In what form was that when Rosenberg gave it to you? Was it in paper or something like that?

A. It was in tens and twenties, cash paper.

Q. Was it wrapped in any container of any kind?

A. It was wrapped in brown paper.

Q. Brown paper; is that right?

A. That is right.

Q. Will you look at Government's Exhibit 10 for identification and tell us whether or not you can recognize that as the brown wrapping paper in which the $4,000. was contained (showing)?

A. That is the brown paper, wrapping paper it was contained in.

Mr. Cohn: We offer it in evidence, your Honor.

Mr. E. H. Bloch: May I look at it, Mr. Cohn?

[fol. 760] Mr. Cohn: Surely (handing).

Mr. E. H. Bloch: There are certain initials, your Honor, on this. I don't know whether it is the intention of the prosecution to claim that these initials were on at the time he got those papers or not.

Mr. Cohn: No, I will state they were not.

The Court: I take it that is for identification purposes.

Mr. E. H. Bloch: Well, there are a number of initials. That is why I called it to the attention of the Court.

All right, they weren't on. All right.

Mr. Cohn: May it be received, your Honor?

The Court: Yes.

(Government's Exhibit 10 for identification received in evidence.)

Mr. E. H. Bloch: Of course, I object to the introduction of this exhibit upon the ground it is not binding upon the defendant Rosenberg.

The Court: As I understand it, the testimony was that it was in this brown wrapping paper that Mr. Rosenberg delivered the $4,000.

The Witness: That is correct.

Mr. E. H. Bloch: I will withdraw my objection if I just get one clarification. Will the Court ask the witness [fol. 761] whether it is the contention or the testimony of the witness that Rosenberg came with this money wrapped in this bag, that Rosenberg actually carried this bag?

The Court: Was the money right in that wrapping paper?

The Witness: Right in that wrapping paper.

The Court: Very well.

Mr. Cohn: May I show this to the jury, your Honor?

The Court: Yes.

Q. There are some initials on there, Mr. Greenglass. As far as you know, those were not there—there was no

writing on this paper when Rosenberg gave it to you as a container for the money; is that right?

A. No there wasn't.

(Government's Exhibit 10 shown to jury.)

Q. Now, what did you do with the $4,000.

A. Well, at first I had intentions of flushing it down the——

Mr. E. H. Bloch: I move to strike that out.

The Court: Yes, stricken.

A. (Continuing) I started to flush it down the toilet bowl.

Mr. E. H. Bloch: I move to strike that out as not binding upon the defendant Rosenberg, not in his [fol. 762] presence.

The Court: I sustain that. Strike it out.

A. (Continuing) I gave it to my brother-in-law, Louis Abel, to keep for me, and I told him to use it whenever he needs it, take whatever he might need from it, but also that I might need it myself and in such case he would hand it over.

Mr. A. Bloch: I object to anything he said to his brother-in-law in connection with this money, as pure hearsay.

The Court: I am going to sustain that objection.

Mr. Cohn: So the testimony stands, your Honor, he gave it to his brother-in-law, Louis Abel, and any conversation between him and Abel is stricken?

The Court: Yes.

Mr. Cohn: Very well, your Honor.

Q. Now, following your arrest by agents of the Federal Bureau of Investigation in June, you had occasion to talk to them frequently?

A. I did.

Q. Have you had occasion to talk to Mr. Saypol, to me, members of Mr. Saypol's staff?

A. I did.

Q. At any time, in any of those conversations, has any promise of any kind ever been made to you as consideration or anything else for your testifying on this witness

stand or telling the facts to any agency of the United [fol. 763] States Government?

Mr. E. H. Bloch: Before you answer, please, I object to it upon the ground that it is improper direct. I also object to the form of the question.

Mr. Cohn: I withdraw it.

The Court: Pardon?

Mr. Cohn: I will withdraw the question, your Honor.

The Court: All right.

Mr. Cohn: Mr. Bloch may examine, your Honor.

Cross-examination.

By Mr. E. H. Bloch:

Q. Did you just testify that you didn't see your brother-in-law, Julius Rosenberg, from the time that you told him that you were going to stay here and you weren't going to leave the country, until you appeared here in court?

A. I did.

Q. Was that the truth?

A. Well, I had seen him.

Q. Was it the truth?

A. That was not the truth.

Q. You did see him, didn't you, between that period?

A. I did.

The Court: W-ere did you see him?

The Witness: I saw him in jail.

The Court: Did you talk to him?

The Witness: No.

The Court: You mean you just saw him; you looked at [fol. 764] him and you saw him?

The Witness: They brought us into a room together, the authorities at West Street, and told us to stay apart and I didn't say anything to him and he said nothing to me.

The Court: All right.

Q. Now Mr. Greenglass, I believe you testified that your wife came out to visit you in New Mexico on November 29, 1944, which was at or about the date of your second wedding anniversary; is that correct?

A. I testified that she came out around that date.

Q. Around, about that. When is your wedding anniversary?

A. November 29th is my wedding anniversary.

Q. And when did your wife arrive at Albuquerque, New Mexico?

A. I can't tell exactly when.

Q. When did you first see her at or about that time?

A. It was during a five-day vacation, furlough, and I did not know exactly the date that I got into Albuquerque.

Q. At any rate, there came a time when you met your wife on that five-day furlough?

A. That is correct.

Q. Was that the first time that you heard from anybody's lips an invitation to you to engage in spying?

A. That is correct.

Q. And that invitation came from the mouth of your [fol. 765] wife; is that not so?

A. That is correct.

Q. There was nobody else present besides you and your wife at that time?

A. That is correct.

Q. Is that correct?

A. That is correct.

Q. I believe you testified you took a walk with her?

A. That is correct.

Q. And that is when she told you about spying; is that right?

A. That is right.

Q. The Rosenbergs weren't around, were they?

A. No.

Q. Were the Rosenbergs there?

A. They were not.

Q. And I believe you testified—you correct me whenever you think I am quoting your testimony or paraphrasing your testimony incorrectly—that you became frightened and you told your wife that you would not do it; is that correct?

A. That is right.

Q. And then I believe you testified further the following morning you told your wife that you would do it?

A. That is right.

Q. And you not only told your wife that you would do it, but right there and then when you told her that, you disclosed information concerning some of the personnel at the Los Alamos project; is that correct?

A. It was not right then and there. It was out in the street.

[fol. 766] Q. Well, how long after you indicated to your wife that you were willing to engage in this illegal work did you tell her the names of some of the personnel at Los Alamos?

A. It was not long after; during the same day.

Q. It was part of the same conversation, was it not?

A. Almost.

Q. Now, during the time——

Mr. E. H. Bloch: Withdrawn.

Q. From the time that you told your wife that you were not interested and that you wouldn't do this work, to the following morning when you told her you would, did you consult with anybody?

A. I consulted with memories and voices in my mind.

Q. Physically, did you consult with anybody?

A. No.

Q. Did you see the Rosenbergs during that period?

A. No.

Q. Did you talk to the Rosenbergs by telephone during that period?

A. No.

Q. How old were you at this time?

A. 22.

Q. And when you finally said to your wife the following morning after she invited you to engage in spying, you did this and said this and then disclosed information [fol. 767] of your own free will; isn't that correct?

A. That is correct.

Q. You knew at that time, did you not, that you were engaging in the commission of a very serious crime?

A. I did.

Q. You had been briefed and indoctrinated, had you not, in Oak Ridge, Tennessee, when you first came there, and during your stay there, and also at Los Alamos, when

you were transferred from Oak Ridge, about espionage; is that not correct?

A. That is correct.

Q. And you were briefed to the extent of having read to you the espionage law; is that correct?

A. Parts of the espionage law.

[fol. 768] Q. Do you remember which parts?

A. I haven't the slightest recollection.

Q. Were you told by your instructors at Oak Ridge, Tennessee or at Los Alamos about the penalty for committing espionage?

A. Most likely I was but I don't remember it.

Q. Did it occur to you on November 29, 1944 or November 30, 1944—and I don't want to quibble about the date—at any rate, did it occur to you at the time that you finally said to your wife "I will do this" and then transmitted to her certain information, that there was a possible penalty of death for espionage?

A. Yes.

Q. You knew that?

A. I did.

Q. When you said to your wife "Yes, I will do it"—is that correct?

A. That is correct.

Q. Are you aware that you are smiling?

A. Not very.

Q. Now how long had you been in the Army when you were assigned to Los Alamos?

A. I had been in from April '43 to July—August '44.

Q. That is approximately a year and five months.

A. That is about it.

Q. Is that rough enough?

A. Yes.

Q. Had anybody prior to the time that your wife came down to Los Alamos and invited you to spy, ever made any overture to you to steal information from the military [fol. 769] authorities?

A. No one.

Q. And from the time in the latter part of November 1944 until your entire career or during your entire career in the Army, you continued to spy, did you not?

A. I did.

Q. And you received money for that, did you not?

A. I did.

Q. You received $500. from Harry Gold in Albuquerque, New Mexico for that, did you not?

A. I did.

Q. Did you ever offer to return that money?

A. I did not.

Q. Did you use that money for your own personal use or the use of your wife and the other members of your family?

A. I did.

Q. What did you do with the $500. that you received from Gold?

A. I gave it to my wife and she used it to live on.

Q. Did she deposit it in the bank?

A. She did.

Q. Now, Mr. Greenglass, you had been to various camps prior to the time that you were assigned to Los Alamos, isn't that correct?

A. That is correct.

Q. And your wife had visited you at camps before you had been assigned to Los Alamos, is that correct?

A. That is not exactly correct.

Q. Did your wife ever visit you at any of the camps [fol. 770] at which you were stationed prior to the time you were assigned to Los Alamos?

A. One camp.

Q. And what camp was that?

A. Pomona, California—Pomona Air Base.

Q. And your wife at that time lived in New York, did she not?

A. She did.

Q. And she took a trip from New York out to California to see you?

A. That is right.

Q. Now when was this?

A. This was the late winter or early spring of '44.

Q. And how long did your wife stay?

A. About two, three months.

Q. And did she have an apartment?

A. Yes.

Q. And did you live with her at that apartment?

A. I did.

Q. And did your wife work?

A. She did.

Q. In or about the camp, in order to sustain herself?

A. She worked away from the camp.

Q. I said in or about the camp.

A. She did.

Q. She didn't work in the camp proper but she worked in some enterprise in the vicinity of the camp?

A. That is right.

Q. And after this incident in the latter part of November 1944 did your wife visit you at any other of the camps—I withdraw that, I am sorry.

[fol. 771] Q. You were stationed at Los Alamos, continuously after you had been assigned there up to and including the date of your discharge, is that correct?

A. No; the date of my discharge I was discharged from——

Q. El Paso, Texas?

A. —El Paso, Texas.

Q. But otherwise you were always at the Los Alamos project?

A. That is right.

Q. Now did your wife visit with you and live with you at or about the Los Alamos project or in or about the City of Albuquerque after your five-day furlough was up in the latter part of November, 1944?

A. As I said before, in the early spring of 1945 she came to live with me.

Q. And how long did she live with you?

A. She stayed with me until I came home.

Q. And did she work?

A. She worked part of the time; part of the time she was unable to work.

Q. And you were advanced from time to time, weren't you, in your gradings in the Army?

A. I was.

Q. And your salary was increased.

A. That's right.

Q. And that made it easier economically, isn't that correct?

A. To a degree.

Q. Now let me ask you this: You have testified you got a thousand dollars from Rosenberg in 1950.

[fol. 772] Q. And you insisted upon that money to pay your debts, isn't that correct?

A. That is correct.

Q. Did you pay your debts?

A. I did not. May I clarify that?

Q. No.

The Court: Yes.

Mr. E. H. Bloch: Now——

The Court: Yes.

Mr. E. H. Bloch: I object to——

The Court: Your objection is overruled.

Mr. E. H. Bloch: I respectfully except.

The Court: I told you you do not need an exception.

Mr. E. H. Bloch: Yes; I am sorry, your Honor.

The Witness: (To the Court) The thousand dollars I spent paying debts of household type——

Mr. E. H. Bloch: For household type.

The Witness: (Continuing) I mean payments on furniture and things of that nature. The debts I was referring to, when I said about paying debts to Rosenberg, were personal debts incurred because of a business enterprise I was in that I had never even borrowed in the first place.

The Court: Excuse me, this thousand dollars that you got in 1950, I want you to get this clear in my mind, was [fol. 773] that in payment of information which you had at or about that time turned over to Rosenberg or was that in anticipation of your trip out of the country?

The Witness: In anticipation of the trip out of the country.

Q. All right. Now it is your testimony now that you used those thousand dollars to pay off certain debts on the household, is that right?

A. That is right.

Q. That was for your own use, was it not?

A. That is correct.

Q. And that was for the use of your family, is that right?

A. That is correct.

Q. When you, as you testified, finally told Rosenberg that you were not going to leave the country and you were going to stay right here——

A. Yes.

Q. —did you ever offer to give him back that thousand dollars?

A. I did not.

Q. Now then, I think you testified further that you received an additional $4000. from Rosenberg sometime in June, is that right—sometime in June 1950?

A. That's right.

Q. Wrapped in that brown bag which is now Government's Exhibit——

The Court: 10.

Q. —10?

A. That's right.

[fol. 774] Q. When you told Rosenberg, as you testified, that you were not going to leave the country, did you offer to return that $4,000?

A. I did not.

Q. And I believe you testified that you turned those $4000. over to a brother-in-law?

A. That's right.

Q. Do you know now that that $4000. or a major part of that $4000. went to pay your lawyer?

Mr. Cohn: Your Honor, I merely comment that I was halted in my attempts to develop the history of that $4000. and where it went, which is quite relevant to the rest of the Government's proof. If Mr. Bloch wants to go ahead and do it, all right.

The Court: I will let him go ahead if he is——

Mr. E. H. Bloch: I have a different purpose in doing it.

The Court: If he is going to open the door, I will let him.

Mr. E. H. Bloch: I am perfectly willing to open the door.

Mr. Cohn: Very well.

By Mr. E. H. Bloch:

Q. Do you know now that that $4000. or a major part of it went to pay your lawyer?

A. I do.

Q. Have you been told how much of that $4000. went to pay your lawyer?

A. Yes.

[fol. 775] Q. All of it?

A. All of it.

Q. When did you know that you had a lawyer representing you subsequent to the time of your arrest in June 1950?

A. The FBI said that I could have a lawyer. I called up my——

The Court: Speak louder, please.

Q. Up, up, up.

A. The FBI agents told me that I could have a lawyer, so I called up my brother-in-law and told him to get in touch with O. John Rogge.

Q. That was your suggestion.

A. At my suggestion.

Q. All right. And then after that did Mr. Rogge come down to see you?

A. He sent his partner, Mr. Fabricant and subsequently Mr. Rogge came himself.

Q. Now how long after you had somebody communicate with your brother-in-law to hire Mr. Rogge did Mr. Fabricant come down to see you?

A. The next morning—I should say the same day because it was morning when I got in touch with my brother-in-law.

Q. Do you remember when you were arrested?

A. I do.

Q. You were taken, were you not, from your place of employment and brought down to this building?

A. I was not.

Q. Were you apprehended in your home?

A. I was in my home making a formula when they arrested me.

[fol. 776] The Court: Making a what?

Mr. E. H. Bloch: A formula.

The Witness: A formula for the baby.

Q. And what day did the FBI come around to arrest you?

A. It was in the daytime, in the middle of the week, just before I was going to work.

Q. Do you remember what date in June?

A. It was the 15th, I believe, of June.

Q. And after some of the representatives of the FBI came in to your home did they tell you that you were under arrest?

A. No.

Q. Did they ask you to accompany them some place?

A. They did.

Q. And where did they ask you to go?

A. I came to this building.

Q. How many representatives of the Federal Bureau of Investigation came around to your home at the time that you were apprehended?

A. Four.

Q. And at what time was this?

A. In the afternoon at about 2 o'clock, I suppose.

Q. Now, do you now know the names of the four FBI representatives who arrested you?

A. I do.

Q. And will you name them, please?

A. John Harrington, Leo Frutkin——

Mr. A. Bloch: I can't hear him.

[fol. 777] Q. Counsel at the table cannot hear you.

A. —John W. Lewis and Bill Norton.

Q. You know their first names too, don't you——

A. I do.

Q. —by now. And what time did you get down here in this Federal Building?

A. I would say it was about 8 o'clock at night.

Q. Eight at night?

A. Yes.

Q. Maybe I misunderstood you. What time did the FBI men come to your home to arrest you?

A. They came at 2 o'clock.

Q. And after they were in your home did they stay with you in your home?

A. Yes.

Q. How long did they s-ay with you in your home?

A. Till about, I would say, 7:30 or so.

Q. And were you questioned during those five hours at your home?

A. On and off.

Q. Well, when you say "on and off" did some FBI man stay with you during that entire period?

A. No; I ate my lunch, I made the formula——

Q. No, listen to my question, please. Did some FBI man stay with you during this entire five or five and a half hours?

A. No, not all the time.

Q. Did they all leave at one time?

A. They were in other rooms of the apartment.

[fol. 778] Q. Now when I talk about your home I am including every room in your apartment. I am going to ask you again, did the FBI men who came down at or about 2 o'clock stay with you in any of the rooms of your apartment for about five or five and a half hours?

A. That is correct.

Q. All four of them?

A. At first there was two and then two more came up.

The Court: Out of that five and a half hours about how much time would you say was taken up in questioning?

The Witness: Maybe an hour.

Q. And what did they do the rest of the time?

A. They were searching my apartment.

Q. Do you know what they took from your apartment?

A. I do.

Q. You watched them search?

A. I did.

Q. Did the FBI man take from your apartment any writing, any document, any paper, any memorandum in the handwriting of Julius Rosenberg?

A. Yes, they did.

Q. What?

A. Some notes that he had from college days.

Q. Anything else?

A. Well, there was——

Mr. Cohn: I might say here if the witness knows, your Honor.

[fol. 779] Mr. E. H. Bloch: I am asking him. I tried to lay the foundation.

A. There was a trunk full of letters, and I don't know what was in there exactly, and if there was stuff in there, they did take that.

Q. Letters in the handwriting of Julius Rosenberg?

A. Well, I don't know.

Q. Well, I am trying to direct your attention specifically and exclusively——

A. There were letters——

Q. Now just listen and try to follow me—exclusively to this, and it is very simple: Did you see the FBI men who came to your apartment on the date they arrested you, take from your apartment any writing, whether in the form of a document or a note or a memorandum in the hand of Julius Rosenberg outside now of the college notes that you say were in his handwriting?

A. No.

Q. And did the FBI men take from your apartment any writing, whether in the form of a document or memoranda or any scrap of paper of any kind in the handwriting of your sister Ethel?

A. I didn't see it.

Q. Well, if you didn't see it you don't know.

A. But it might have been inside the trunk full of letters. We couldn't open the trunk. That is the only reason I didn't see it.

Q. Did the FBI men finally open the trunk?

[fol. 780] A. Yes—not there, though; not in my presence.

Q. Did you see them open the trunk?

A. No, I did not.

Q. Did they take the trunk away from your apartment?

A. They did.

Q. Now, so far as I know, outside of the college notes that were made by Julius Rosenberg—when you say "col-

lege notes" I am assuring you mean notes made by Rosenberg when he was attending college, is that right?

A. That's correct.

Q. Outside of that writing do you know whether there was in your house on or about June 16, 1950 or June 15, 1950 any writing or written matter in the handwriting of either Julius Rosenberg or Ethel Rosenberg?

A. I didn't know, no.

The Court: We will take our recess at this point.

(Short recess.)

Q. Now, Mr. Greenglass, when were you inducted into the United States Army?

A. April '43.

Q. Do you remember the date?

A. The 12th.

Q. April 12th. Where?

A. In New York City.

Q. And specifically where in New York City.

A. At the induction center at Grand Central Palace.

Q. Were you drafted?

A. I was.

[fol. 781] The Court: Speak up please, Mr. Greenglass.

Mr. E. H. Bloch: I am going to stand all the way back here, your Honor; maybe that will help.

(Mr. E. H. Bloch steps farther back to the railing.)

Q. At that induction center in April 1943 did you take an oath?

A. I did.

Q. Did you raise your right hand and together with the other citizens who were inducted into the Armed Services with you swear to certain things?

A. I did.

Q. Do you remember the oath you took?

A. I don't.

Q. At any rate, you know that you violated that oath, don't you?

A. I know it.

Q. And you knew when you said to your wife, "Yes, I

am going to give you the information", that took place somewhere in the latter part of November 1944, that you were violating the oath that you took here in New York City at the time of your induction—did you know that?

A. I did.

Q. Did it enter your mind?

A. Violation of that oath did not enter my mind.

Q. Did you know that you were besmirching the name and reputation——

Mr. Cohn: Well I will object to this characterization.

Mr. E. H. Bloch: I haven't finished.

[fol. 781-A] The Court: He hasn't finished. I want to hear the question.

Q. —of the uniform of the soldiers of the United States?

[fol. 782] Mr. Cohn: I will object now, your Honor, to the conclusory terms used in the question. That is clearly improper.

The Court: I will overrule the objection.

A. I did not think so at the time.

Q. The Espionage Act—withdrawn.

Q. You had been briefed on the Espionage Act, had you not?

A. I did—I was.

Q. You knew at that time that is was a crime for anybody who had intent or reason to believe that it would advantage a foreign power to communicate any information relating to the national defense of the United States?

A. I knew that.

Q. To somebody else who was unauthorized, particularly a foreign nation or the citizen or subject of a foreign nation? You knew that much about the Espionage Act, didn't you?

A. Yes.

Q. And you knew it was a crime to conspire to violate the Espionage Act in the latter part of November 1944, didn't you?

A. I did.

Q. And you say now that you did not know at that time that when you were giving your wife unauthorized information you were besmirching the uniform——

The Court: I do not believe——

Q. —of the United States Army?

[fol. 783] The Court: I don't believe the question was whether he knew—whether he believed, wasn't that the question?

Mr. E. H. Bloch: I will change it to "believe".

A. I did not believe that.

Q. You did not believe that.

The Court: Did you——

Q. Did you believe you were——

Mr. E. H. Bloch: I am sorry, your Honor.

The Court: Go ahead.

Q. Did you believe you were doing an honorable or dishonorable thing?

A. I didn't even think of it that way.

Q. All right.

The Court: How did you think of it?

The Witness: I thought of it from what I had—on the basis of the philosophy I believed in. I felt it was the right thing to do at that time.

Q. You felt it was an honorable thing to do; is that what you are trying to tell us?

A. The right thing to do according to my philosophy at that time.

Q. All right, I will accept the word "philosophy". You felt it was the right thing to do?

A. That is right.

[fol. 784] Q. And did you continue to think that what you were doing after November 29, 1944, and up to and including the time that you got out of the Army, that you were doing the right thing?

A. I was having my doubts.

Q. When did you begin to have doubts?

A. Almost as soon as I started to do it.

Q. And tell me, if you can—and I want you to fix the time as exactly as you can, what you meant in terms of time when you began to have doubts as to the rightness of what you were doing.

A. I don't understand your question.

The Court: I do not understand it either.

Q. All right, let me make it easier. Did you begin to have doubts in December 1944?

A. I started to have doubts——

Q. Now will you answer my question?

The Court: Wait a minute. Let him answer it. It is not any easy question to answer.

Mr. E. H. Bloch: I want him to give me the exact date.

The Court: So let him answer it——

Mr. E. H. Bloch: All right.

The Court: And please, Mr. Bloch, don't interrupt me while I am talking.

Mr. E. H. Bloch: All right.

[fol. 785] The Court: You have a bad habit of doing it.

Mr. E. H. Bloch: I am sorry, I don't mean to do it.

A. I started to have doubts almost as soon as I said that I was going to give the information.

Q. And that was in the latter part of November 1944, but you did give information, did you not——

A. I did.

Q. —from that time on right through 1945?

A. That's right.

The Court: Now you saw Mr. Rosenberg in January 1950, within a short period of time after you had these doubts that you speak of; did you relate to him on that occasion that you had doubts about the propriety of it?

Mr. Cohn: Your Honor said "January 1950".

The Court: I am sorry—1945. Did you say anything to him about your doubts on the propriety of what you were doing?

The Witness: No, I did not say anything to him because——

Mr. E. H. Bloch: I move to strike out everything after "because".

The Court: No, let me have it.

Mr. E. H. Bloch: I respectfully except.

The Witness: —because, as I said, when I first started [fol. 786] to do it it was one of the motivating factors for doing it.

Q. I am sorry, I cannot hear that at all.

A. I had a kind of a hero-worship there and I did not want my hero to fail, and I was doing the wrong thing by him. That is exactly why I did not stop the thing after I had the doubts.

Q. You say you had a hero-worship?

A. That is right.

Q. Who was your hero?

A. Julius Rosenberg.

Q. I see. Now tell me, did you have doubts when you passed information to Harry Gold in Albuquerque, New Mexico,——

A. I did.

Q. —some time in 1945?

A. I did.

Q. And you say that was in June 1945, is that correct?

A. That's right.

Q. Did you consider at that time that you were passing to him very important information?

A. I did.

Q. And did you consider that that information was secret?

A. I did.

Q. And you knew that that information was unauthorized?

A. I did.

Q. To be communicated to any person outside of the camp itself, isn't that right?

A. That is right.

Q. And did you have any doubts when you took $500. from Mr. Gold for passing that information?

[fol. 787] A. I still had doubts.

Q. You still had doubts, but you took the money and you handed it to your wife?

A. I did.

Q. And that money was used for your house and the use of your wife, is that correct?

A. That's right.

Q. And did you have any doubts when you, as you state, got $200. from Julius Rosenberg in September 1945 in New York City?

A. I did.

Q. You took the money?

A. I did.

Q. And that was used for your benefit and the benefit of your wife and your family; is that correct?

A. That is correct.

Q. Did you have any doubts when you, as you testified, got a thousand dollars from Mr. Rosenberg in June 1950?

A. I did.

Q. But you took that money and you used it to pay off household debts; isn't that correct?

A. Well,——

Q. Did you or didn't you?

A. I did take that money for that reason.

Q. Did you have any doubts when you took that——

The Court: Are you finished with your answer?

The Witness: I would like to answer.

The Court: Well, we are not going to know when you [fol. 788] are finished or not unless you say you want to answer.

A. (Continuing) About that thousand dollars, I felt that I was giving nothing for this thousand dollars; I had plenty of headaches and I felt the thousand dollars was not coming out of Julius Rosenberg's pocket, it was coming out of the Russians' pocket and it didn't bother me one bit to take it, or the $4000. either.

Q. You had no qualms at all about taking the $1000. or the $4000., did you?

A. Not at all.

Q. Even though that money, as you say, was given to you for purposes of flight?

A. That is right.

Q. You never offered to return that money?

A. I certainly did not.

Q. Even though you had $4,000. of it left and you had determined not to flee?

The Court: Wait a minute. Wait, wait.

Mr. E. H. Bloch: I am sorry.

The Court: Your question is a very clumsy question. It is several questions. It is summation, it is everything all mixed up. Let's break it down.

Did you offer to return the $4,000.?

Q. Did you have any qualms about not returning the $4,000. after you had determined not to leave the country?

A. I had no qualms at all.

[fol. 789] Q. All right. Now let's go back to the end of your Army career for one moment. You testified on direct examination, did you not, that you received an honorable discharge?

A. I did.

Q. Did you consider that the services that you rendered to the United States during your Army career warranted an honorable discharge?

Mr. Cohn: I object to that.

The Court: I will overrule it. Go ahead.

A. I did my work as a soldier and produced what I had to produce and there was no argument about my work, and since the information went to a supposed ally at the time, I had no qualms or doubts that I deserved the honorable discharge.

Q. And you felt at that time you were entitled to an honorable discharge; is that right?

A. That is right.

The Court: Do you feel that way today?

Q. Do you feel that way now?

A. No, I don't.

Q. When did you change your mind as to whether or not you were entitled to an honorable discharge?

A. I never though about it until this moment.

Q. Now that you have thought about it, do you believe that you were not entitled to an honorable discharge?

A. In the light of today's events, I was not entitled to an honorable dischaarge.

[fol. 790] Q. Your honorable discharge has never been revoked, has it?

A. It has not.

Q. And so, on the record you still have an honorable discharge from the United States Army?

A. I have.

Q. Feeling as you do now, that you were not entitled to the honorable discharge, do you intend, as of this moment,

to ask the United States Government to revoke that honorable discharge?

Mr. Cohn: I object to that, your Honor, as incompetent, irrelevant and immaterial.

The Court: I will sustain it.

Mr. E. H. Bloch: I respectfully except.

By the Court:

Q. Now, do you know, Mr. Greenglass, of your own knowledge, whether it is the policy of the Army not to move with respect to court martial or revoking of honorable discharges, while there are criminal proceedings pending in a court?

A. I have never heard of the Army taking a discharge, an honorable discharge, away from a man unless it was during the time, that it was brought out during the time of the service in the Army. That is my knowledge.

By Mr. E. H. Bloch:

Q. Mr. Greenglass, you now know——

A. That is my knowledge.

[fol. 791] Q. I can't tell when you finish. I don't want to interrupt.

A. Go ahead.

Q. You know now, don't you, that that honorable discharge was procured from the United States Government by you through fraud, because you concealed your illegal acts; isn't that correct?

Mr. Cohn: Your Honor——

The Court: I think we have gone into the subject enough.

Mr. E. H. Bloch: That was the last question on this.

The Court: I will sustain the objection.

Mr. Bloch: I respectfully except.

Q. Now, tell me, Mr. Greenglass, when did you first meet your wife?

A. I don't remember exactly when I met my wife.

Q. Can you give us the year?

A. I can't give you the year.

Q. Did you meet your wife in New York City?

A. I did.

Q. Do you remember where you met your wife for the first time?

A. We lived in the same neighborhood together for many years and I just don't remember when she started to go with our crowd.

Q. Well, is it a fair statement then that you have known [fol. 792] your wife since childhood days?

A. I do.

Q. Did there come a time when you proposed marriage to her?

A. I did.

Q. When was that?

A. I——

Q. Approximately?

A. I don't believe I ever proposed marriage. It just was understood we were to be married.

Q. All right, when was there an understanding between you that you were going to get married?

A. I can't give you the year of that, either.

Q. All right. At any rate, when you began to see your wife in a fiance and fiancee basis, did you love her?

A. I did.

Q. Did you love her when you married her?

A. I did.

Q. And do you love her today?

A. I do.

Q. And you have loved her during that entire time that we have mentioned in the last question; isn't that right?

A. I do.

Q. You love her very dearly, don't you?

A. I do.

Q. Do you love her more than you love yourself?

The Court: Oh, I think——

A. I do.

Mr. E. H. Bloch: I am satisfied with the answer.

[fol. 793] Q. Do you love your children?

A. I do.

Q. Very much?

A. Yes.

The Court: I dare say that would be a difficult question for any of us to answer.

Mr. E. H. Bloch: I think so.

The Court: Do we love somebody more than we love ourselves?

Mr. Bloch: I could retort, but I am refraining. We are dealing with a peculiar kind of witness.

Mr. Saypol: I object to that.

Mr. Cohn: I move that be stricken.

The Court: Yes, that will be stricken. I suppose all the Government witnesses are peculiar in the eyes of the defense.

Mr. Cohn: Yes, and vice versa.

Mr. E. H. Bloch: Now, I could say something but I am refraining.

The Court: All right.

Q. Do you bear any affection for your brother Bernie?

A. I do.

Q. Do you bear any affection for your sister Ethel?

A. I do.

Q. You realize, do you not, that Ethel is being tried here on a charge of conspiracy to commit espionage?

A. I do.

[fol. 794] Q. And you realize the grave implications of that charge?

A. I do.

Q. And you realize the possible death penalty, in the event that Ethel is convicted by this jury, do you not?

A. I do.

Q. And you want to tell——

The Court: Do you realize also that the matter of penalty is a matter entirely within my jurisdiction, not within the jurisdiction of the jury?

The Witness: I understand that, too.

Mr. E. H. Bloch: That is why I used the word "possible", your Honor.

Q. And you bear affection for her?

A. I do.

Q. This moment?

A. At this moment.

Q. And yesterday?

A. And yesterday.
Q. And the day before yesterday?

The Court: Well now, how far are you going to go?

A. As far back as I ever met her and knew her.
Q. I am sorry, I can't hear you.

Mr. Cohn: Mr. Bloch can't hear, your Honor, because he keeps interrupting the witness's answer.
Mr. E. H. Bloch: Maybe you are right.
The Court: Well, let's not take this day by day. Let's ask the general question.

[fol. 795] Q. At any rate, at present you bear an affection for Ethel?
A. I do.
Q. Do you bear an affection for your brother-in-law, Julius?
A. I do.
Q. Now, you testified, I believe, that you had two brothers and one sister.
A. That is right.
Q. Who is the other brother?
A. Samuel.
Q. Is Samuel a full brother of yours?
A. As far as I know.
Q. From the same mother and the same father?
A. That is right.
Q. And Bernie is from the same mother and same father?
A. That is right.
Q. And Ethel is from the same mother and the same father?
A. That is right.
Q. And were you and Ethel brought up in your parents' home together?
A. Certainly.
Q. In New York City?
A. That is right.
Q. Sheriff Street?
A. That is right.
Q. And did you continue to live in that same house together with your parents until Ethel was married?

A. That is correct.

Q. And how old was Ethel at the time she was married to Julius?

A. It was 1939; it is 10, 11 years ago. I guess she was about 22.

[fol. 795-A] Q. And how old were you at the time?

The Court: Well, you said she was six years older. You must have been 16.

The Witness: No, I was about 17, I guess.

Q. You were about 17?

A. Yes.

[fol. 796] Q. And after your sister Ethel——

Mr. E. H. Bloch: Withdrawn.

Q. Now, after your sister Ethel married Julius, did she move out of your mother's house?

A. She did.

Q. And the house where you resided?

A. She did.

Q. And did you continue to see Ethel and your brother-in-law Julius after Ethel moved out of the house?

A. I did.

Q. Did you visit them at their home?

A. I did.

Q. Now, do you remember when your sister Ethel and Julius moved into an apartment at Knickerbocker Village?

A. Do I remember the date?

Q. Yes.

A. I don't remember the exact date.

Q. Do you remember the year?

A. I don't.

Q. If I told you in 1942, would that refresh your recollection?

A. It still wouldn't refresh my recollection.

Q. All right. After you were married to your wife, did you and your wife see Ethel and Julius at your mother's house about once a week?

A. I wouldn't say that. I know——

Q. About?

A. I wouldn't even say that, because I worked——

Q. Did you continue——

The Court: Let him finish.

[fol. 797] A. (Continuing) Because I worked nights at the time and saw very few people at the time, but I did see them frequently.

Q. You did see them frequently?

A. Yes.

Q. Did they visit you at your house after you were married?

A. No.

Q. Hardly at all; isn't that right?

A. That's right.

Q. Did you come to their house to visit them?

A. I did.

Q. Frequently?

A. I did.

Q. Now, will you describe to the Court and jury the type of apartment that Ethel and Julius lived in, in Knickerbocker Village?

A. Well——

The Court: When?

Q. From 1942 on?

A. It was——

Q. Let me clarify it for the Court. Is it not a fact, from your own knowledge, that Ethel and Julius lived in that same apartment in Knickerbocker Village from 1942 right down to and including the date of your arrest in June 1950?

A. That is correct.

Q. Now, will you describe to the Court and jury the kind of an apartment it was, in terms of number of rooms, kind of furniture and any other matters that you would care to describe about that apartment?

A. Well, as to the furniture, the furniture changed [fol. 798] from time to time; she bought extra pieces and stuff of that nature, so I don't recall all the different ways the furniture was set.

The Court: First tell us about the rooms?

A. (Continuing) The rooms themselves—the apartment was at the end of a long hall, on the 11th floor, in Knickerbocker Village, G-11 is the number.

Q. 10 Monroe Street?

A. 10 Monroe Street. You come through the door; there is a small foyer; you turn to the left. It opens up into a living room, much longer than it is wide, and on the right is a door at the entrance to the living-room—I should say, at the foyer to the right there is a door to the bathroom, and in this doorway there is a bathroom, and then through the doorway is a bedroom, and at the end of the living room, on a line with the wall, the wall where the windows are at, is a kitchen.

Q. All right, so that the apartment consisted of a living room, a bedroom, a kitchen and a bathroom?

A. That's right.

Q. Now, in connection with the kind of furniture that you saw in that apartment, did you notice or did you ever make any remark to Ethel or Julius about the fact that their furniture was secondhand furniture?

A. I never mentioned it to them, but I was in the pres-[fol. 799] ence of people who did.

Q. And from your own observation, could you tell this Court and jury whether or not the furniture in their apartment was secondhand furniture, in the main?

A. Some of it was new.

Q. And some of it was secondhand?

A. Some of it was secondhand.

Q. Did you ever know how much rental Julius and Ethel paid for that apartment?

A. I believe I knew, but it slipped my mind. I can't recall it, right now.

Q. Well, if I told you that for many years they paid $45. a month rental, would that refresh your recollection?

A. Yes, that is probably the number, the price.

Q. And, as a matter of fact, while you were in business with Julius, first in the G & R Engineering Company and later in the Pitt Machine Products Co., Inc., there was talk between you and Julius and Bernie about how you were going to get along and survive?

A. That's right.

Q. Isn't that right?

A. That's right.

Q. And in the course of that conversation, some talk was made about the various expenses that each of you had to pay, rent, food and so forth; is that right?

A. That is correct.

[fol. 800] Q. Now, does it refresh your recollection as to how much rental Julius and Ethel paid for that apartment at 10 Monroe Street?

The Court: He said he thought you were approximately right.

Mr. E. H. Bloch: All right.

Q. Do you feel any remorse now for what you did down at Los Alamos?

A. I do.

Q. Did you feel any remorse, or were you contrite or penitent at or subsequent to the time you did the things you said you did down at Los Alamos?

A. I was.

Q. Is there a change in the quality of your feeling of remorsefullness?

The Court: Oh, I will sustain that.

Q. Or has there been?

The Court: I will sustain that objection.

A. I don't understand what you mean.

The Court: Just listen to me. I have sustained the objection.

Mr. E. H. Bloch: I understand. I am not asking it.

Q. Did you feel more remorseful now than you did down at Los Alamos, with respect to the things you did?

The Court: I will sustain that objection.

Q. Did you have different degrees of remorse?

The Witness: Remorse is remorse.

[fol. 801] The Court: All right.

By Mr. E. H. Bloch:

Q. You had remorse at that time?

A. I did.

Q. That is right, and you are remorseful now?

A. That's right.

Q. Now, let's come back to the first time the FBI men came down to see you in June of 1950; was that the first time that you had been interviewed by any of the representatives of the FBI, with respect to your activities at Los Alamos?

A. No.

Q. When was the first time after your discharge from the Army that the FBI came around to talk to you about your activities at Los Alamos?

A. In 1950, February.

Q. Was that before or after there was any discussion, as you stated in your direct, about your getting out of the country?

A. I can't place it as to whether it was before or after.

Q. Where did these FBI representatives see or speak to you in February, 1950?

A. One man called me up on the phone and he said he would like to see me. He came to my house; he sat down at my table; I offered him a cup of coffee and we spoke—he did not say to me that he suspected me of espionage or anything else—he just spoke to me about whether I had [fol. 802] known anybody at Los Alamos, and that was the gist of the whole conversation. He walked out of the house maybe an hour later, and that is all there was to it.

Q. All right now, let's see. Did he introduce himself as a member of the FBI?

A. He did.

Q. Did he ask you any questions, either directly or indirectly, with respect to your knowledge of any illegal activity that occurred at Los Alamos while you were there?

A. I don't recall exactly what the whole conversation was about. It made very little effect on me, because it didn't—I mean, it didn't seem like anything—I mean——

The Court: Were you asked to sign any paper of any kind?

The Witness: No, not at all.

Q. You say you were together with that FBI man for an hour?

A. There was also my wife in the room and my little boy, and I think maybe a conversation might have gotten off on a couple of tangents.

Q. Well, at any rate, whether your wife and children was there, he stayed an hour, did he not?

A. Yes.

Q. Did he tell you what he came for?

A. Well, he wanted to know——

[fol. 803] Q. Did he tell you what he came for?

Mr. Cohn: He is trying to answer, your Honor.

Mr. E. H. Bloch: It is either a yes or no. I will follow it up.

The Court: Mr. Bloch is a very impatient young man and he wants his answer fast.

Mr. E. H. Bloch: Thanks for the compliment, for calling me young.

The Court: If you will just wait a little while you will get an answer.

A. (Continuing:) He discussed with me—when he came into the house it was very difficult to find out what he wanted. He didn't come out and say that he wanted some information. He just talked around the point. I didn't get what he really wanted to find out.

Q. Was Los Alamos discussed?

A. Oh, yes.

Q. Did he say he was looking for people who might have conducted illegal activity in Los Alamos?

A. No, he just wanted——

Q. He didn't say that?

A. No, he didn't say anything of that kind.

Q. What was the name of that FBI man?

A. I can't remember that FBI man's name.

Q. Did you ever see that FBI man since?

[fol. 804] A. I have not seen him since.

Q. Were you frightened at the time that FBI man came down to see you in February, 1950?

A. Well, I wasn't exactly calm.

Q. You were frightened, were you not?
A. Not very frightened, no.

Q. I want to ask you again, was Los Alamos mentioned at that first interview that you had with that FBI man in February, 1950?

The Court: He did say yes it was.

A. Yes.

Q. You didn't tell that FBI man at that time, that you had engaged in any illegal activity at Los Alamos, did you?

A. I didn't tell him, but I was pretty well on the verge to tell him.

Mr. E. H. Bloch: I move to strike out the latter part of the answer as not responsive.

The Court: No, it will stand.

Mr. E. H. Bloch: I respectfully except.

Q. Did you mention to him anything about the fact that you had given secrets of the Los Alamos project to any unauthorized person?

The Court: Don't answer that. He has already answered it.

Q. Did you mention the name of your sister Ethel [fol. 805] Rosenberg to that FBI man in February, 1950?

A. I don't believe I did.

By the Court:

Q. Was there any discussion about Ethel Rosenberg?

A. I don't think she came into the conversation.

Q. I believe you said you weren't asked anything about espionage, were you?

A. No.

Mr. E. H. Bloch: I respectfully except to your Honor's question, and I hesitate to ask the following questions because they are on the same line, and if the Court wants, I will make an offer of proof. I am going to ask him——

The Court: No, you go ahead.

Mr. E. H. Bloch: All right.

By Mr. E. H. Bloch:

Q. Was the name Julius Rosenberg mentioned by you at that interview with the FBI man in February, 1950?

A. I don't believe that there was. I don't remember the conversation that well.

Q. Was your wife's name mentioned?

A. She was sitting right there.

Q. In connection with any activity or an illegal sort, to that FBI man, in February 1950, by you?

A. Of course not. I didn't mention anything like that to the FBI man.

[fol. 806] Q. All right. Now then, when was the next time you were interviewed by the FBI?

The Court: And you say that you didn't make any written statement and you weren't asked to sign one?

The Witness: No, nothing, no.

Q. When was the next time you were interviewed by the FBI?

A. When I was arrested, June 15th.

Q. Now, you say that four FBI representatives came around to your house on or about June 15, 1950, at or about 2 o'clock in the afternoon; is that right?

A. That's right.

Q. And they stayed in your house until about 7:00 or 7:30 that evening?

A. That's right.

Q. And during that time they conducted a search of your house?

A. They did.

Q. And during that five or five and a half hour period they asked you questions, did they not?

A. They asked me some questions, yes.

Q. Did all of them ask you questions at some point or another?

Mr. Bloch: I will withdraw that.

A. Did all participate at some point or another in asking you questions during your five or five and a half hours interview?

A. Well, I don't remember them all standing around me and asking me questions. I just remember that once

[fol. 807] in a while one of them would ask me a question while they were doing their work.

Q. Now, when they first came in, do you remember who was the first FBI representative to speak?

A. Well, I believe it was John W. Lewis was the first one.

Q. And what did he say, the first words, when he came in?

A. I can't remember, probably "Hello" or "How are you"? Or "Is your name David Greenglass"?

Q. Aside from these preliminaries, what did he tell you about why they came?

A. He said they came—well, this isn't the first words they said. He said they came in connection with leak of information in the security of their—of the United States Government, and they would like to find out what I know about it.

Q. Was the name Harry Gold mentioned during that five or five and a half hour interview?

A. No.

Q. Not once? When was the first time that any United States representative brought in the name of Harry Gold?

A. He didn't bring in the name. He just told me of a man that came to see me.

Q. And did he mention where the man came to see you?

A. In Albuquerque.

Q. Did he mention the month he came to see you?

A. Yes, he did.

Q. Now, as a matter of fact, Mr. Greenglass, you had [fol. 808] read in the newspapers prior to June, 1950 about the arrest of Harry Gold, had you not?

A. I had.

Q. And when you read that information in the newspapers, did you recognize the person, who was mentioned as Harry Gold in the newspapers, as the person whom you transferred information at Albuquerque, New Mexico, in June, 1945?

A. I did not remember his face at the time.

Q. Now, you said that Harry Gold came to your apartment in Albuquerque, New Mexico one morning in the early part of June, 1945; is that correct?

A. That's right.

Q. Is that right?

A. That's right.

Q. Your wife was there?

The Court: I think you said it was a Sunday morning.

The Witness: He said "some morning in early part of June", O. K., it was Sunday morning.

Q. A Sunday morning?

A. Yes.

[fol. 809] Q. And then you told us about how there was an identification through the Jello box cut; is that correct?

A. That's right.

Q. Then you had a conversation with Harry Gold after that identification had been complete; is that correct?

A. That's right.

Q. Now, where did this conversation take place, in your living room?

A. Yes.

Q. About what time of the morning would you say it was?

A. About ten o'clock, I suppose; I can't place it accurately.

Q. How long did Harry Gold stay in your apartment that morning?

A. Not very long.

Q. About how long?

A. Altogether the whole meeting was about 20, 25 minutes, including the walk, so it couldn't be very long.

Q. At any rate, you were with him for 20 or 25 minutes that June Sunday morning in 1945, both in your apartment and outside in the street; is that right?

A. Yes.

Q. You had a very good chance to look at his face, didn't you?

A. Very good.

Q. You did look at his face?

A. I did.

Q. During that entire 20 or 25 minutes?

A. That is right.

[fol. 810] Q. Was there any attempt on his part, so far as you could observe at that time, to conceal his face?

A. No.

Q. It was sunlight, was it not?

A. A bright day.

Q. And Albuquerque usually is a very bright town, is it not?

A. Yes.

The Court: Don't go into all these details. He said he could have seen it and so forth. You can go on.

Q. Now, that afternoon you also saw Harry Gold, did you not?

A. I did.

Q. That was after you had written down certain information?

A. That's right.

Q. Then he came back and you gave it to him?

A. I did.

Q. That is the time he gave you the $500. in the envelope; is that right?

A. That is right.

Q. Did you have an opportunity to look at his face in the afternoon?

A. I did.

Q. Did you read any account in the newspaper concerning this Harry Gold prior to June 15, 1950, which led you to believe that the person with whom you had dealings was already apprehended and under arrest by the Government authorities?

A. I never would have noted from the newspapers. Julius Rosenberg came and told me that that was the man, and after that I read the newspapers, because I hadn't [fol. 811] seen him even when he came up and showed it to me.

Q. Now, you hadn't read the newspapers?

A. Until he had showed it to me.

Q. Until he came around, is that the idea?

A. That is right.

Q. Now, when did you say Julius Rosenberg came around to tell you about the fact that Harry Gold had been arrested?

A. It was in the morning.

Q. Do you remember when?

A. It was the day after my wife got out of the hospital with her baby.

Q. And when was that?

A. That is the way I place it. It can be found out. I just don't remember.

Q. Now look——

A. I can place it that way.

Q. Now look, your wife gave birth to a baby——

A. That's right.

Q. —June 16th; six days later she was out of the hospital. The next morning——

A. It was May 16th.

Q. Your child was born when?

A. May 16th.

Q. And how long did you- wife stay in the hospital after your child was born?

A. Six days.

Q. So that would bring us down to about May 22nd; is that correct?

A. And the next morning is when he brought the paper in.

Q. So you would say that that is about May 23rd?

[fol. 812] A. Right.

Q. And you had read nothing——

A. I read nothing.

Q. —in the Newspapers? Let me finish my question—you had read nothing in the newspapers prior to May 23, 1950, concerning the arrest of Harry Gold, or any accounts concerning his activities?

A. I had read nothing about it.

Mr. E. H. Bloch: All right, that is an answer.

Q. Now then, in this interrogation at your home on June 15, 1950, by these four FBI representatives, did you mention your wife as one of the people who conspired with you to commit illegal acts?

A. I mentioned no one at my home.

Q. You denied, did you not, at that time, to the FBI at your home, that you were guilty of any crime, or that you had engaged in any illegal activity?

A. I denied nothing. They didn't ask me direct questions and I gave answers to the questions they did ask.

Q. Well, let's hear, let's hear some of the questions that they asked and let's find out whether they were directed——

A. It was later at night.

Q. No, no. We will come to the night; we will come to the night. Let's stick to the afternoon for a little bit.

A. They wanted to know things, when I had been in the Army, where I had been.

[fol. 813] Q. Did you tell them?

A. I did.

Q. All right, what else?

A. What I was doing in the Army.

Q. Did you tell them?

A. I did. What I worked at, where I worked.

By the Court:

Q. Well, did you answer all the questions that were put to you, faithfully?

By Mr. E. H. Bloch:

Q. You didn't lie about a single question during that five and a half hour interval?

A. No. As a matter of fact, I volunteered information.

Q. Not one——

The Court: He didn't say it was a five and a half hour interview. He didn't say it was a five and a half hour interview. Be careful about that. He said he was only questioned for about an hour.

Mr. Bloch: But the interval was from two to 7:30.

The Court: I don't like the implication.

Mr. Bloch: I didn't mean to leave any implication, your Honor.

The Court: All right.

Q. They were there for five, five and a half hours?

A. That is right.

[fol. 814] Q. During part of that period they questioned you?

A. Yes, it was the type of questioning that was "Oh, by the way", while they were doing their work.

Q. Now, when they searched your apartment, did you realize that you were a suspect?

A. I would have to be awful dumb not to.

Q. Did you mention during that period any names of

people, that you mentioned in your direct testimony here in court?

A. I don't recall that I did, except that at one point they found this paper, Julius's notes from high school, and they asked me what it was.

Q. Is it from high school or college?

A. College, I mean. And they saw some math, and they said to me, "What is this? Is this some secret material"? I said, "No, that is notes that my brother-in-law did in—wrote about while he was in college."

Q. In other words, they asked you about some of the notes that Julius Rosenberg had made in college and specifically asked you whether or not that was secret material?

A. They didn't put it that way.

Q. That is, I am using your words.

A. They said, "What is this"? In other words, they wanted an explanation of what the paper was.

Q. Did you give them an explanation?

A. Yes, I told them what it was.

[fol. 815] Q. Did you, during that five or five and a half hour period, ask them to give you an opportunity to consult with counsel?

A. I didn't ask them, no.

Q. Did you ask your wife to try to get you counsel?

A. My wife was in the hospital.

Q. Did you call up anybody——

A. I did not.

Q. —whether it be a relative or a friend——

A. My——

Q. —to ask them to procure counsel for you?

A. No, I didn't.

Q. During that five and a half hour period?

A. I did not.

Q. Then, as I understand it, you were taken by these four FBI representatives down to the Federal building here?

A. That is right.

Q. Did you come down here by automobile?

A. That is correct.

Q. Whose automobile?

A. I suppose it belonged to the Federal Bureau of Investigation, I don't know.

Q. It was a private automobile, looked like a private automobile; is that right?

A. Well, it had a radio in it.

Q. All right. Finally you got down here. Where did you go when you got down to this building?

A. I went up to the FBI headquarters.

[fol. 816] Q. And what floor is that on?

A. It is in the 20s, I guess it is the 29th floor.

Q. 29th floor?

A. Yes.

Q. You have been up on the 29th floor on many occasions, haven't you?

A. Twice.

Q. Now, the first time was this time that we are talking about now. When was the next time?

A. Some weeks ago.

Q. Did these four FBI representatives go up to the 29th floor with you?

A. They did.

Q. Did you have dinner that night?

A. They let me eat my supper before I left.

Q. Would you mind talking a little louder, please?

A. I said, they let me eat my dinner before I left.

Q. Now, after you had your dinner at your home, about what time was it?

A. It was about four, five o'clock in the afternoon.

Q. Did you have anything further to eat that evening?

A. About—I guess, about nine, ten o'clock at night I had some more.

Q. Did any of the FBI representatives in your apartment make any notes or memoranda while you were talking?

A. I can't say for sure whether they did or didn't.

Q. Now, when you got down here to the Federal build-

[fol. 817] ing in the evening, did you notice whether in the course of the interview any of the FBI representatives made any notes or memoranda?

A. Yes.

Q. Was a stenographer present? When I say a stenographer, I include a stenotypist or anybody who will take

down words in a short-cut way. Was any stenographer present during that interview that evening with the FBI representatives?

A. When I told them I would give them a statement, then a stenographer came in.

Q. Now, what time did you tell them that you were going to give them a statement?

A. I don't know exactly what time it was.

Q. Did the room in which you were interviewed have a clock?

A. You have got me there. I don't know either.

Q. Let's see whether we can refresh your recollection. You said you had something to eat around nine or ten o'clock; is that right?

A. I suppose it must have been around that time.

[fol. 818] Q. Approximately?

A. I heard some——

Q. If you don't have a clock, we don't expect you to know.

A. No, there is a bell outside that rings certain chimes, I mean, I thought it was about 9 or 10 o'clock.

Q. That is your best understanding. Now, did you tell the FBI that you were going to give them a statement after you had had this repast, at about 9 or 10 o'clock?

A. I don't know when I gave them the statement, when I started to give the statement.

Q. No, when you said to them that you would give a statement?

A. You can't pinpoint me on when I said I was going to give a statement, because I don't remember those things.

Q. You don't remember that?

A. No.

Q. Were you frightened at the time?

A. No.

Q. Did you ask them to give you an opportunity to get counsel?

A. No.

Q. Did you make any attempt to get counsel?

A. Not until about 2 o'clock in the morning, 1, 2 o'clock in the morning.

By the Court:

Q. Did they tell you that you could have counsel?
A. Oh, yes.

By Mr. Bloch:

Q. Did any of those FBI representatives tell you that [fol. 819] you were under arrest?
A. No.
Q. In the course of your questioning, did you at any time ask them whether you were under arrest?
A. No, I didn't.
Mr. Bloch: I don't know whether I asked this, your Honor. My mind is a little fuzzy.
Q. Did you make any attempt to procure counsel that evening?
A. I don't believe so.
The Court: Did I understand you to say not until 1 or 2 that morning?
The Witness: That's right—well, you can consider that "evening".
Q. Well, outside of the time consumed in taking this repast, about 9 or 10 o'clock, would you say that you were continuously questioned by these FBI representatives, from the time you got down here, about 7 or 7:30, to the wee hours of the morning?
A. Some of the conversation was just window-dressing; it had nothing— it wasn't pertinent.

Mr. E. H. Bloch: I move to strike that out, your Honor.
The Court: No, it will stand.

By the Court:

Q. What do you mean by that?
A. I mean, the man asked me how I felt, "Do you want [fol. 820] a cigarette"? Things like that.

By Mr. E. H. Bloch:

Q. They were very affable, is that right, they were very polite?
A. That's right.

Q. Is that what you meant by "window-dressing"?

A. Also, that he would—I mean, that they would talk about other things, other than what was on hand.

Q. Did those interspersions about other things take very long?

A. Five, ten minutes some time.

Q. Now, outside of this five or ten minutes——

A. I said "sometimes". By that I mean that during the conversation it would be broken by these little——

Q. But it is fair to say that outside of these indulgences in the social amenities, you were continuously questioned from the time you came down here at 7 to 7:30 until the wee hours of the morning?

A. Well, if you can consider giving a statement, questioning, yes.

Q. That evening, did you at any time mention your wife's name to the FBI as being one of those who was engaged with you in this illegal work?

A. I did.

Q. And did you mention the name of your sister Ethel at that time?

A. I believe I did mention her name, yes.

Q. Are you sure?

A. I can't remember now what I gave in a statement [fol. 821] then. In subsequent statements, I have.

Q. No, no, we will come to subsequent statements. Now please try to concentrate and fasten your mind on this particular——

A. Since I haven't read that statement——

Q. —on this particular evening.

A. I haven't read that statement since and I certainly don't know exactly what I put into it.

By the Court:

Q. Well, did you conscientiously withhold any facts that night?

A. No, I did not conscientiously withhold those facts.

Q. And did you conscientiously tell substantially what you have told in court these past few days?

A. That I did, and in other statements, because I couldn't remember at once.

Q. Well, when you left that evening, was there any understanding that you would make a subsequent statement?

A. I suppose there was.

Q. I don't want to know whether you suppose.

A. Yes, there was an understanding to that effect. I said to them, "That is to the best of my knowledge at this time".

By Mr. E. H. Bloch:

Q. Now, let me ask you, so that there will be complete [fol. 822] clarification here, and I am confining myself solely to the particular evening of June 15th——

The Court: Yes, and I wish you would make a little haste with it, because I think you are taking much too long on this subject matter. I haven't interrupted you; I have let you go ahead. I think you ought to make more haste on it, because if you are going to take everyone of those incidents—and I think I know what you are leading up to—and you are going to go through it in that detail——

Mr. E. H. Bloch: I am not going to go through it in that detail insofar as subsequent statements are concerned, but I would like to know particularly about this first statement, the first few days after his apprehension and arrest.

The Court: Very well.

Q. Are you now stating that you did not withhold conscientiously and information concerning your illegal activities at Los Alamos and elsewhere to the FBI authorities on the evening of June 15, 1950, and the early hours of the morning of June 16, 1950?

A. That is substantially what I mean.

A. All right. Now, after you finished with the FBI representatives, you were taken away from this building, were you not?

A. That's right.

[fol. 823] Q. Now, what time were you taken away?

A. Oh, that was—it was 4 o'clock the following afternoon. It was 2 o'clock in the morning that we got through —I mean, so that we could sleep.

Q. Now, where did you sleep that night?

A. I slept in this building, in the nurse's quarters.

Q. Now, by 2 o'clock in the morning had you already given a statement to the FBI?

A. Yes, I had.

Q. Had you signed that statement?

A. Yes, I had.

Q. Had you signed that statement?

A. Surely.

Q. You did?

A. Yes.

Q. How long in all would you say it took to prepare that statement and have you sign it?

A. I remember remarking that the stenographer was an awful—the typist was an awful slow typist.

Q. And did the stenographer go to another room and type it, or did she type it right there and then did you sign it?

A. I remember her typing something in that room and typing in another room, too, I suppose.

Q. Well, was there one—more than one stenographer or typist?

A. I don't know—no, only one, I believe, just one.

Q. Let us see whether we understand. At any rate, you were asked questions; you gave certain answers; there were a stenographer and a typist there, and whatever [fol. 823a] you said was put down in writing, is that right, was put down in print?

A. It took quite a while, because I wrote it out in longhand.

Q. Oh, I wanted to get that. You wrote out a statement in your own handwriting?

A. That's right.

Q. Did you sign that statement?

A. I signed that statement.

[fol. 824] Q. And did the statement that you wrote out and signed in your own handwriting precede or come subsequent to the time when the stenographer came into the room?

A. I really don't know how she took it. I think maybe she read my notes and typed it off the notes.

Q. You are not sure of that?

-. I am not sure of that.

Q. At any rate, at 2 o'clock in the morning you were all through?

A. Yes.

Q. And you slept in this building?

-. That's right.

Q. Did you stay in this building the following day?

A. Up until I was arraigned and taken over to West Street.

Q. And when were you arraigned?

A. Do you mean the time? It was in the afternoon, I believe.

Q. And that was on June 16th,——

A. That is right.

Q. —1950. Was that down in the Commissioner's office in this building?

A. That's right.

Q. Did you have counsel at that time?

A. I did.

Q. Who was your counsel?

A. O. John Rogge.

Q. And was Mr. Rogge there personally?

A. He was.

Q. Had you seen any members of Mr. Rogge's firm prior [fol. 825] to the time that you saw Mr. Rogge on June 16, 1950?

A. I did.

Q. And who of Mr. Rogge's firm did you see?

A. Mr. Fabricant.

Q. And when did you see Mr. Fabricant?

A. It was in the morning of June 16th.

Q. About what time?

A. I suppose it was during business hours, between 9 and 12 sometime.

Q. Now, did you make a request for counsel at any time after you were taken down here to the Federal Building on June 15, 1950?

A. At about one o'clock or so somebody said to me, "You ought to get a counsel—you ought to get a lawyer".

Q. Was that after you had written out your statement and signed it?

A. Yes.

The Court: Let me ask you, were you advised before that you had the right to have a lawyer?

The Witness: Sure.

The Court: Were you advised of that fact when you were taken to the building for the first time?

The Witness: No.

The Court: When were you advised of that fact, before you made the statement or during or just when?

The Witness: Just about when I started to make the statement.

[fol. 826] Q. Now, when you started to make that statement you knew that Gold had put his finger on you, didn't you?

A. I don't get what you mean.

Q. Never heard that expression "put the finger on you"?

The Court: No, don't answer that.

Mr. E. H. Bloch: All right, I will withdraw it.

Q. During the course of your interrogation at the Federal Building here that evening on February 15, 1950, did any of the FBI representatives or any representatives of the United States Government tell you that Harry Gold had charged that you were conspiring with him or that you were a conspirator with him in committing espionage?

Mr. Cohn: Mr. Bloch said "February". I believe he meant "June".

The Court: He means June, that is correct.

Mr. E. H. Bloch: "June"—I am sorry, that is correct.

A. Nobody told me that.

Q. What?

A. Nobody told me that.

Q. You knew——

A. They said——

Q. Just a second. You knew when you came down here to the Federal Building on June 15, 1950 that Harry Gold was already under arrest?

A. I did.

Q. Now, in the course of your interrogation on the even-

[fol. 827] ing of February 15 of 1950—I am sorry——

The Court: June.

Q. —June 15, 1950 here, did you mention the name Harry Gold first or did somebody representing the Government mention the name Harry Gold first?

A. I don't recall that.

Q. But his name was mentioned?

A. I told—I can't even recall that.

Q. Did anybody tell you at that time that a complaint had either been made or was being made charging you with conspiring with Harry Gold to commit espionage?

A. Nobody.

Q. Now, the following morning you say Mr. Fabricant saw you?

A. He did.

Q. Did you call any relative on the evening of June 15th or in the early morning hours of June 16th from this building, telling him or them that you wanted counsel?

A. I did.

Q. And to whom did you speak?

A. I spoke to my brother-in-law, Louis Abel.

Q. Was that after the stenographer or typist had taken down what you responded to——

A. That was after I signed the statement.

Q. —the questions propounded to you by the FBI?

A. That was after I signed the statement.

[fol. 828] Q. Now, when you were arraigned before the Commissioner on June 16, 1950, in the afternoon, did you know then that you were accused by the United States Government of conspiring with Harry Gold to commit espionage?

A. Repeat that?

The Court: Read that, Mr. Stenographer.

Q. (Read.)

A. Nobody ever read it to me until I got in front of the magistrate.

Q. Now, when you got in front of the Commissioner down here in the basement of this building, did somebody read to you the complaint?

A. The District—the U. S. Attorney read the complaint. That is the first I heard of it.

Q. Did Mr. Fabricant of Mr. Rogge's office tell you what

the United States Government was charging you with on that day?

A. I——

Q. Pardon me?

A. I don't believe that I can remember that part of the conversation at all.

Q. Was the name Harry Gold mentioned in the conversation you had with your lawyer Mr. Fabricant on the morning of June 16, 1950?

A. I can't tell, and I don't remember.

Q. You don't remember?

A. No.

Q. And was Harry Gold's name mentioned to you by [fol. 829] Mr. Rogge when you saw Mr. Rogge later that day, at the time of the arraignment?

A. You are asking me about a period that was very confused for me, and it is a wonder that so much stayed with me about it.

Q. You don't remember that——

A. No, I don't remember that.

Q. —what happened in June, 1950?

A. No.

Q. But you do remember everything that your wife told you back on November 29th——

The Court: I will sustain the objection.

Q. —1944?

The Court: Don't answer that.

Mr. E. H. Bloch: I respectfully except.

The Court: You know it is argumentative, counselor.

Mr. E. H. Bloch: I am not at all sure of that, your Honor.

The Court: Well, I am sure of it and I don't want any further argument on it.

Mr. E. H. Bloch: You asked me a question, your Honor, and I tried to respond.

The Court: All right.

Q. At any rate, the Commissioner or Mr. Saypol or somebody before the Commissioner at that arraignment did have read to you or read to you the complaint?

[fol. 830] A. That is right.

Q. And that complaint charged you and Mr. Gold, did it

not, with conspiring to commit espionage in that you delivered to Harry Gold confidential information from the Los Alamos project and received a sum of money for it in the early part of June 1945?

A. I didn't pay much attention to what the complaint said and you can—I—I don't even believe I heard the words in the complaint.

Q. You didn't hear the words?

A. No.

Q. Were you excited at the time?

A. No, I was just dull.

Q. Were you dull because you didn't sleep very much the previous evening?

A. It could be one of the contributing factors.

Q. How about now; do you feel sharp?

A. Sharp enough.

Q. Yes.

Mr. E. H. Bloch: I wonder, if the Court please, if this might be a convenient place to stop?

The Court: Have you got much more to go, Mr. Bloch?

Mr. E. H. Bloch: I am afraid so.

The Court: Do you think perhaps if we give you a good [fol. 831] substantial lunch period you might shorten it?

Mr. E. H. Bloch: Maybe I will get sharp, too.

The Court: Well, with that in mind, I—I did not ask you whether you would get sharp.

Mr. E. H. Bloch: No.

The Court: I asked you whether you would shorten it.

Mr. E. H. Bloch: I will try.

The Court: We will recess for an hour and a half for lunch, Mr. Bloch, and that should give you an opportunity to go over your notes and see whether you can shorten it in any respect.

We will recess until 2:25.

(recess to 2:25 p. m.)

[fol. 832] AFTERNOON SESSION

DAVID GREENGLASS, resumed the stand.

(Conference at the bench.)

Mr. Saypol: We had a telephone call during the recess from Mrs. Greenglass's mother.

The Court: Mrs. Greenglass?

Mr. Saypol: Yes.

Mr. E. H. Bloch: Ruth Greenglass.

Mr. Saypol: Yes.

Mr. E. H. Bloch: Dave Greenglass——

Mr. Saypol: Ethel.

Mr. E. H. Bloch: And Ethel's mother.

Mr. Saypol: The defendant's mother, and she said something about desiring to visit her daughter but it had not been permitted and she would like to visit her. She went on to say that some of the relatives had made it impossible and she asked me whether I could arrange it. Obviously I don't arrange things like that. I am just reporting it so that counsel may be apprised of the telephone call.

Mr. A. Bloch: I happen to know something about it.

Mr. Saypol: She addressed herself further to this effect, Mr. Bloch: Would I address an inquiry to her, to her daughter, your client, and ask her whether she didn't want [fol. 833] to see her mother.

The Court: Well, I think that is something you gentlemen ought to take up privately.

Mr. A. Bloch: Yes. There was a misunderstanding there. Several weeks ago we had an appointment with both defendants to meet them in this building on a certain Thursday, I believe it was. Mrs. Rosenberg expected a visit from her mother on that day and she asked me to call up her mother and tell her not to come that particular day because she had to be at this building. She must have misunderstood me.

Mr. Saypol: Does she want to see her mother?

Mr. E. H. Bloch: Yes.

Mr. Saypol: All right. I will use my good offices and tell her to come here. Aside from that I don't want any part of it.

The Court: Mr. Kuntz, will you please be on time?

Mr. Kuntz: I have been here since two o'clock.

The Court: Well, during recess time we had to wait until somebody walked in representing Sobell. All right. Let us go.

[fol. 834] (The following in open court, in the presence and hearing of the jury:)

Cross-examination continued.

By Mr. E. H. Bloch:

Q. Now, Mr. Greenglass, let's come back for a moment to the night of June 15, 1950, and the early morning of June 16, 1950. How many statements did you sign that evening and the following morning?

A. I signed one statement that evening and the following morning, I mean in this period.

By the Court:

Q. You mean one each time or one?

A. It was one statement. There must have been some copies or something but it is the same statement.

Q. One statement was signed by you?

A. That is right.

By Mr. E. H. Bloch:

Q. And that was the one that you wrote out in your own handwriting; is that correct?

A. That is correct.

Q. Now, in that statement did you refer to the incident in Albuquerque, New Mexico, in the latter part of November, 1944, in which you had a conversation with your wife and in which she invited you to commit espionage?

A. I referred to it, yes. I also, in that statement, I gave a general outline of everything I was to say——

Mr. E. H. Bloch: Now, if the Court please——

[fol. 835] A. (Continuing) —and later statements. I just made that statement as I remembered it then, and any subsequent statements, I had more memory of what I had done and I filled in more.

Q. Now, I understand that, but please, Mr. Greenglass, we are trying to find out specifically just what you said to the FBI.

The Court: Yes, and I don't think you ought to go into such minute detail. Now, I thought we were going to have this long recess for the purpose of trying to shorten this a bit, but instead I notice you are going back again, going back over the thing more minutely than you did before.

Mr. Bloch: All right. I want to make myself clear to the Court. I know that the Court understands the purport of these questions. If I don't ask them in this form, then I may very well have waived my rights to lay the foundation for the introduction of certain documents.

The Court: Yes, but don't you think you are laboring the point, really?

Mr. Bloch: I honestly don't, your Honor. I feel in good conscience that it is my duty to ask these questions. Otherwise, I assure you that I wouldn't ask them. This is not [fol. 836] going to take long, your Honor.

By Mr. E. H. Bloch:

Q. Did you, in that statement of—we will call it June 15th or June 16th, it doesn't make any difference—down here in the Federal building, mention the incident where Julius Rosenberg is alleged to have come to your house a few days after your first furlough here in New York, in January, 1945, and asked for certain information, and you later that evening wrote out that information?

A. I did.

Q. You did mention that?

A. Yes.

[fol. 837] Q. And did you mention the fact that the following morning Julius Rosenberg came around and picked up that written information?

A. I don't remember if I did it or not.

Q. You don't remember. And did you mention in that first statement anything about being introduced by Rosenberg to a man on First Avenue, somewhere around January 8th or January 10th, 1945?

A. I didn't place the time but I did introduce—say I was introduced to a man.

Q. That answers it. And did you in that first statement detail either roughly or with precision the incident which allegedly occurred in the Rosenberg home in September, 1945 on your second furlough where your wife and Ethel, your sister-in-law, and Julius, your brother-in-law—your sister—were grammatically changing your verbiage of the report?

A. I did not make such a statement.

Q. And did you mention in your statement of June 15, 1950 or June 16, 1950 anything with relation to the Jello box incident?

A. I did.

Q. You did. And did you mention in your statement anything about the fact that sometime later—and here I am relying on my memory—whether it is 1946 or 1947 or 1948—at any rate, while you were in business with Julius, that you got an offer to go to college?

[fol. 838] A. I don't know if I made it in that statement or not.

Q. You are not sure of that?

The Court: You say in that statement, did you make it?

The Witness: I made it in subsequent statements, yes.

The Court: Is there anything that you testified to here today that you haven't made in the previous statement.

The Witness: There isn't, no.

Q. At any rate, you are not sure as to whether or not you mentioned this invitation to go to college——

A. In the first statement.

Q. I am only talking about the first statement now.

A. That is correct.

Q. Is that your answer, you don't remember?

A. I don't remember.

Q. Did you mention to the FBI that you got $500. from Gold out in Albuquerque in June, 1945?

A. I believe I mentioned money, yes.

Q. No—you mentioned money. Did you mention this specific sum of $500?

A. It is—I didn't remember the exact sum of money at the time.

Q. You knew on June 15, 1950, didn't you, precisely how much money you had gotten from Gold?

A. No, I didn't. I had forgotten it and it was just in [fol. 839] the subsequent times when I thought it over I remembered how much money it was.

Q. But before June 15, 1950 and during the intervening period from June, 1945—that is about five years—did you at any time know precisely how much Gold gave you in the early part of June, 1945?

A. At certain times a man's mind is funny. Sometimes I will remember it and sometimes I won't later on. There was no reason to recall it in that period.

Q. You weren't a rich man in June, 1945, were you?

A. I have never been a rich man.

Q. No, and $500. was a big sum to you, wasn't it?

A. Pretty big.

Q. And it enabled you and your wife to live and have some luxuries, didn't it?

A. It enabled us to live.

Q. All right. And you want to say now that you did not remember the precise sum of money that Gold gave you in the early part of June, 1945?

A. I did not remember the precise sum of money and——

Q. All right, that is an answer?

A. —later times I did remember it and I did put it down.

Q. Now, did you mention to the FBI about $200. being given to you by Rosenberg in September, 1945 in his apartment?

[fol. 840] A. I did not.

Q. And did you mention to the FBI on June 15th and 16th that you had received a thousand dollars from Rosenberg in February, 1950?

A. I did not say that at all.

Q. And did you mention to the FBI——

A. Because it was not February, 1950 that I received the thousand dollars.

Q. I beg your pardon—I am sorry, you are right. It was June, was it?

A. It was June—it was May, 1950 I received it.

Q. Did you mention anything about that thousand dollars?

A. I mentioned it, yes.

Q. That you got a thousand dollars from Rosenberg?
A. That is right.
Q. Did you mention it——
A. I did not. I don't believe it was in the statement but in subsequent statements it was there.
Q. No, please, Mr. Greenglass, let us understand each other.
A. You are saying——
Q. I am talking now solely and directing my inquiries exclusively to what you told the FBI on the evening of June 15, 1950 and what went into that statement.

Mr. Cohn: Your Honor——

A. Now I——

[fol. 841] Mr. Cohn: Just a minute, Mr. Greenglass. I see a difficulty right there. He said "what you told the FBI and what went into the statement". I don't think it has been established that everything he told the FBI did go into the statement. It usually doesn't.
Mr. E. H. Bloch: Mr. Cohn, I agree with you. If there is any unclarity about it in the record I want to clarify the record.

Q. Was there anything in your statement which you signed on the evening of June 15, 1950 here in the Federal Building about the receipt of $1000. from Rosenberg in the year 1950?
A. I don't believe it was in the statement, no.
Q. All right.
The Court: But you had told them about it?
The Witness: I had told them about it.
Q. And did you have incorporated in your statement or did you yourself incorporate in your statement anything about the receipt of $4000. from Rosenberg in this brown bag which is marked Government's Exhibit 10?
A. I—I had told them about this—what they put in the statement, what they wanted me to put into the statement, what they wanted me to put into the statement in the first thing, they told me was just to make a general statement, that is all.

[fol. 842] Q. Now, isn't it your testimony that you wrote out the statement?

A. That is right but it was getting quite late and I mean I am sure that I would have another opportunity to write more.

By the Court:

Q. Do you remember which agent told you just to make a general statement?

A. Well, it was just a general statement.

Q. I say, do you remember which agent told you to make a general statement?

A. I don't remember which one said to make a general statement. It was just a general statement. I said "Whatever I will remember more I will write as more"—I mean it was getting quite late at the time.

By Mr. E. H. Bloch:

Q. Well, at any rate, whether it was late or early is it your testimony now that the $4000. was not incorporated in your written statement of June 15, 1950?

A. I can't say that it was and I can't say that it wasn't. I don't remember if I did put it in or not.

Q. It may have been omitted?

A. It may have been put in, too.

Q. Now, is it your testimony that you mentioned the $4000. to the FBI representatives that evening?

A. I did and I will tell you how I know, that, because [fol. 843] when they searched the house they couldn't find it and I told them then later on that I had given it away.

Q. Now, did you tell them that evening to whom you had given that money?

A. I don't remember that either.

Q. Didn't one of the FBI representatives when you mentioned the $4000. ask you where the $4000. is?

A. He must have. I just don't remember saying anything to him about where it was.

Q. Well, at that time you had given the $4000., at least in terms of custody, to your brother-in-law, had you not?

A. I did.

Q. Did you want to conceal from the FBI the name of the person who was holding that money for you?

A. No, I wasn't concealing it.

Q. But you did, didn't you?

A. No, because when I called up my brother-in-law, Louis Abel, I told him I was calling my brother-in-law Louis Abel, to get in touch with a lawyer. I didn't conceal it from them at all.

Q. Did you tell them either directly or in the conversation that you had with your brother-in-law that evening from this building that your brother-in-law had $4000. of your money?

A. Well, I tell you, I don't remember actually telling him that or not. I probably did tell it to him. I am not [fol. 844] saying that I remember it or not.

Q. But you are not sure?

A. I am not sure that I did or I didn't.

Q. All right, that is an answer. Did you tell the FBI that evening anything about the gold watches and the console table that the Rosenberg's were alleged to have received from Russians?

A. Mr. Bloch,——

Q. Well now, if you don't remember——

A. I don't remember.

Q. Well then, say so. Then say so. I don't expect you to answer——

By the Court:

Q. Is that all you wanted to say, Mr. Greenglass?

A. No. I wanted to say more but he doesn't allow me to.

Q. Well, I think I am running this courtroom. What is it you want to say?

A. Well, what I wanted to say is all these little details was something I remembered as time went on. It was just a few hours that I was there and I put down what I remembered without trying to conceal a thing.

Q. It wasn't your intention at that time to give every minute detail?

A. Not intention but I couldn't remember every minute detail that had occur-ed.

[fol. 845] By Mr. E. H. Bloch:

Q. How many questions——

A. It is beyond human ability to do so.

Q. All right, let us see. You got to this building at about 7.00 or 7.30, didn't you?

The Court: Let us not review that whole story over again. I think we all have a slight bit of intelligence.

Mr. E. H. Bloch: All right.

The Court: We all know by now that he got here at 7.00 or 7.30.

Q. Now, did you disclose to the FBI directly——

Mr. E. H. Bloch: I withdraw that.

Q. That evening, did you ask any of the FBI representatives to go easy on your wife?

A. I did not say any such thing.

Q. Now, Mr. Greenglass, your wife has never been arrested, has she?

A. She has not.

Q. And she has never been indicted, has she?

A. She has not.

Q. And she has not pleaded guilty to any conspiracy to commit espionage, has she?

A. She has not.

Q. And your wife is at the present time home, taking care of your children; isn't that right?

A. That's right.

Q. Is that why you hired Mr. Rogge or Mr. Fabricant?

[fol. 846] A. I don't see where one question has to do with the other.

Q. I am asking you.

Mr. E. H. Bloch: I move that the answer be stricken out.

The Court: The answer is stricken out.

Answer his question.

A. I don't understand what you mean.

Mr. E. H. Bloch: Would you mind rereading the question.

The Court: Well, he doesn't understand your question. Maybe you can rephrase it for him.

Q. You wanted a lawyer, did you not?

A. That's right.

Q. And you wanted a lawyer, not before you signed a statement, but after you signed a statement; isn't that right?

A. I just—it just came up at that time that we were free to get a lawyer and I got a lawyer at that time.

Q. And you were free to get a lawyer, at least you felt free to get a lawyer at about 2 o'clock in the morning, after you had signed your statement, is that correct?

A. That's right.

Q. And then you made attempts to get a lawyer; isn't that right?

A. That's right.

[fol. 847] Q. You called up your brother-in-law and you told him, "Get a lawyer", didn't you?

A. That's right.

Q. Or words to that effect. Now, I am asking you whether or not, when you called up your brother-in-law to get a lawyer, you had in your mind that that lawyer should represent your wife?

A. To represent me.

Q. Only you?

A. When I say that, I don't know who else was involved, in the sense that I don't know what the Government was going to do. They were just talking to me.

Q. You involved your wife that night, did you not?

A. Well, I don't know sufficiently enough about the law to realize that I did involve my wife.

Q. Didn't you tell the FBI that night that your wife came out to Albuquerque?

A. That is absolutely true.

Q. And made an invitation to you to commit espionage; you told him that, did you not?

A. That's right.

Q. You also told them, did you not, that she had accompanied you to Rosenberg's house in September, 1945; you told them that, did you not?

A. That's right.

Q. You also told them that your wife had received from you the money that Gold had given to you in June, 1945; you told them that, did you not?

A. I did.

Q. Isn't that your testimony just within the last couple [fol. 848] of minutes?

A. That's right.

Q. All right, and you also told them——

The Court: Don't repeat it all.

Q. —that your wife——

The Court: Don't repeat it all, Mr. Bloch. We know.

Mr. E. H. Bloch: All right, just the last question on this line. I think I will be all inclusive then.

Q. And you also told the FBI, did you not, that night that your wife got one half of that side of the Jello box after arrangements had been made for her to go out to Denver and to meet somebody, as a means of identification?

A. What is that?

Mr. E. H. Bloch: I withdraw the question.

Q. Did you tell the FBI about your wife's participation in the Jello box incident?

A. I did.

Q. All right.

A. But let me point out, as a lawyer—as I wasn't a lawyer, I didn't know it was an overt act or anything else. How was I to know that? I just told them the story as it happened. That was all I was interested in getting out.

Q. You were interested in getting out?

A. I said, all I was interested in was getting out the story. Don't misconstrue my words.

[fol. 849] Q. Did you at any time think of your wife while you were down here telling your story to the FBI?

A. Of course I thought of her.

The Court: Did he think of her in what respect? He must have; he mentioned her name.

Q. Did you think of your wife with respect to the fact that she may be a defendant——

A. I did.

Q. —in a criminal proceeding?

A. I did.

Q. And was that at least one of the factors which motivated you in getting a lawyer?

A. It didn't motivate me to get a lawyer. At that time I didn't even think about it.

The Court: Supposing you tell us why did you get a lawyer.

The Witness: I got a lawyer to represent me in court, that is all.

By Mr. E. H. Bloch:

Q. Represent you in court?

A. That's right.

Q. As a matter of fact, when you were finally arraigned the following afternoon and after you had spoken to Mr. Fabricant in the morning and to Mr. Rogge at or about the time of the arraignment, did Mr. Rogge ask for low bail for you?

A. Yes, he did.

The Court: May I ask what is the relevancy of whether he asked for low bail?

[fol. 850] Mr. E. H. Bloch: I will come to it in just a moment.

Mr. Cohn: I don't know what that has to do with this.

Mr. E. H. Bloch: I am going to come to it right now.

Q. Didn't you tell your lawyer to fight this case for you?

A. I did not.

Q. Now, after you were arraigned, were you then taken to a jail?

A. I was.

Q. And were you taken to the Federal House of Detention?

A. I was.

Q. At West Street and West 11th Street, Manhattan?

A. I was.

Q. What time did you get there?

A. It was in the afternoon.

Q. Were you put in solitary confinement?

A. I was.

Q. How long did you remain in solitary confinement?

A. About three days.

Q. And you were restricted, were you not, in your movements there, to your cell?

A. Yes.

Q. And you weren't permitted during those three days any of the privileges that you subsequently found other prisoners had, with respect to walking on the roof and other [fol. 851] recreational facilities that were made available to them?

A. That's right.

Q. Now, during those three days, did you have any visitors?

A. No.

Q. Did you ask anybody for permission to receive visitors?

A. I don't believe I did. The reason I was confined to those three days——

Mr. E. H. Bloch: Now, I move to strike out any gratuitous remarks of the witness.

The Court: I will let him give the reason.

Mr. E. H. Bloch: I respectfully except, your Honor.

A. (Continuing) The reason, I tried to find out, was because there was an erroneous story in the newspapers to the effect that I was going to commit suicide, which was far from the truth; so the keeper, who read the story, felt, well, he wasn't going to take it on himself, so he had me put in solitary and had my laces taken off my shoes and my belt taken away from me so I couldn't commit suicide. That was the whole story. There was no other reason.

Q. Did you tell anybody that you were going to commit suicide?

A. No.

Q. Now, when for the first time did you have a visitor after you were taken to the Federal House of Detention?

A. I don't know exactly. I had a visitor.

[fol. 852] The Court: May I ask what the relevancy of this is?

Mr. E. H. Bloch: Yes. If you want me to state it in front of the jury, I will, but I think I ought to state it in front of the bench.

The Court: Come up.

(The following took place at the bench, outside the hearing of the jury:)

Mr. E. H. Bloch: The relevancy of this line of testimony, your Honor, is to show that this witness lied in order—I am trying to show that this witness is lying, in order to save his wife.

The Court: I assumed that.

Mr. E. H. Bloch: All right, and that I am now casting doubt upon whether or not he told substantially the truth to the FBI the evening he was brought down here.

The Court: What has that got to do with the visitors?

Mr. E. H. Bloch: In the light of the treatment accorded to him by the prison authorities and in the light of the subsequent change of treatment, I think it impinges, your Honor——

The Court: You are going to open the door now, I am warning you.

[fol. 853] Off the record.

(Further discussion off the record.)

(The following proceedings were resumed in the hearing and presence of the jury.)

By Mr. E. H. Bloch:

Q. Mr. Greenglass, did you hire Mr. Rogge's firm to defend you against the accusation that was made against you by the United States Government as reflected by the complaint before the Commissioner on June 16th, 1950?

A. I hired Mr. Rogge.

Q. Is that your best answer?

A. That is my best answer.

The Court: But did you hire him to defend you or did you hire him to represent you?

The Witness: Well, that is what I was worrying about his question. I said I hired Mr. Rogge.

Q. Now after these three days in solitary were you finally taken out and put into a cell with other prisoners?

A. I was.

Q. And you were treated just the way all other prisoners were treated?

A. That is right, I was.

Q. Is that right?

A. That is right.

Q. When was the first time that you left the Federal House of Detention after you were first brought there?

A. When they arrested Julius Rosenberg, the next day [fol. 854] I was taken out. It was over a weekend, so Monday I was taken out.

Q. Do you know when he was arrested?

A. I don't remember the date.

Q. Was it about a month after you were arrested?

A. That's right.

Q. Now, when you were down here in the Federal Building on your arraignment on June 16, 1950 were you aware of the fact that Julius Rosenberg that day was down in this building being interrogated by FBI representatives?

A. I was not aware of the fact.

Q. When did you find out about that?

A. I didn't. I wasn't aware of that fact.

Q. You still don't know it?

A. I mean I know it now.

Q. No. I mean up to the time I directed your attention to that?

A. I don't understand you.

Q. Well, is this the first time that you are hearing that Julius Rosenberg was being interrogated by FBI agents in the Federal Building on June 16, 1950?

A. Well, the FBI agents had never told me that they did.

Q. They didn't tell you. You didn't speak to Julius Rosenberg in this Federal Building on July 16, 1950?

A. July 16th?

Q. I am sorry, June 16th.

[fol. 855] A. Speak to Julius Rosenberg? No.

Q. Did you see him in this building on that day?

A. I don't believe I did.

Q. Did anybody ever tell you up to that time that I am now directing the subject to your attention, that Julius Rosenberg was in this building on June 16, 1950 and after

a number of hours of interrogation he was permitted to go home?

A. Mr. Bloch, I will say that somebody told me that Julius had been interrogated but he wasn't told as to the date—I wasn't told the date or when that interrogation occurred but my mother did tell me that on a visit.

Q. And that was within a few days after you were arrested, is that right?

A. Well, I don't know when she told it to me.

Q. You don't remember?

A. I do not remember when she told it to me.

Q. All right. Now while you were in the Federal House of Detention and after you had been released from solitary confinement did you tell any of the prisoners there that you were going to fight this case against you?

A. I had been told by my lawyer to just act like they act and "Don't make any trouble for yourself".

Mr. E. H. Bloch: I move that the answer be stricken out as not responsive.

[fol. 856] Mr. Cohn: I object to it being stricken.

The Court: I will let it stand.

Q. (Continuing) So I——

——.——.

Q. Did you——

A. ——whatever they said, I agreed with them.

Q. Did you on your own initiative——

A. I never on my own initiative.

Q. ——tell them or any of them that you were going to fight this charge against you?

A. I never told them that on my own initiative.

The Court: Well, you had already confessed, hadn't you?

The Witness: Certainly, certainly, but you see the idea was it made it uncomfortable——

The Court: Don't tell me about any ideas.

Q. Now, when was the first time that you left the Federal House of Detention to come down to this building after you were first lodged there?

A. I don't know—a week or so, maybe less. I don't know the exact times.

[fol. 857] Q. About a week? Would that be a fair statement?

A. Well, I won't even say that because I don't remember when I came back here.

Q. At any rate, there came a time when you were taken out of the Federal House of Detention and brought down to this Federal Building?

A. That is right.

Q. Were you examined by any of the representatives of the Government at that time?

A. I was.

Q. Was your lawyer present?

A. He had been present at some other times——

Q. I am talking about this time. Try to fasten your mind on the specific date or incident and I think we will get along here.

A. How can I fasten my mind on a specific date or incident? Are you saying when I came down I was interviewed by anybody? Yes, I was.

Q. And was your lawyer present at the time?

A. There were other times my lawyer was present. I don't remember whether it was the third time, fourth time or the fifteenth time.

Q. If you don't remember, say so. Nobody is going to take your head off. Your best answer is that you don't remember whether your lawyer was present the first time you were brought down here?

A. That is right.

Q. After you were taken from the Federal House of [fol. 858] Detention, is that right?

A. That is right.

Q. When did you get down here that day?

A. I don't even remember the day.

Q. And how long were you here?

A. If I don't remember the day I am certainly not going to remember how long I was here.

Q. Do you remember what you talked about to the FBI?

A. When I came down to talk to the FBI I talked about a number of things; whatever their interrogation led to,

it loosened the springs of my memory and I was able to remember things I had forgotten.

Q. Was a stenographer present?

A. Usually I talked to them and they write it down in longhand.

Q. Did you sign a statement that day?

A. I don't remember if I signed a statement that day, but I signed statements, plenty of statements.

Q. From that first time when you were taken from the Federal House of Detention to come down to the Federal Building here, how many times in all did you come down from the Federal House of Detention to this building to be interviewed by various representatives of the Government?

A. I don't know.

Q. How long were you in all lodged in the Federal House of Detention?

A. About a month.

Q. And were you then transferred to another prison?

[fol. 859] A. I was.

Q. Were you transferred to the Tombs?

A. I was transferred to the Tombs.

Q. And have you been lodged at the Tombs since that time?

A. I have been.

Q. Have you seen your wife while you were lodged either in the Federal House of Detention or in the Tombs at any place outside of those two penal institutions?

A. What was that again?

Q. Did you ever see your wife since your arrest at some place outside the West Street Jail or the Tombs?

A. I have.

Q. Where did you see her?

A. I saw her at the Federal Building here.

Q. Did you also see your children here?

A. I did.

Q. Did you get a special room to see her?

A. The same room that Sobell used when his wife and child came to see him.

Q. And where was that?

A. Right here in the Marshal's chambers.

Q. You mean downstairs?

A. Downstairs.
Q. In the jail?
A. In the jail.
Q. And did you discuss with your wife the testimony that you were going to give on this trial?
A. I have been instructed originally not to discuss tes-[fol. 860] timony with my wife or any other person and I did not.
Q. You did not? Not one word?
A. Not a word.
Q. How many times in all would you say you saw your wife since your arrest?
A. As many times as the Tombs would permit.
Q. Now let us be a little more specific. Give us your best estimate of the number of times?

By the Court:

Q. By that you mean that she came on the regular visiting days?
A. On the regular visiting days.
Q. There were no special days arranged?
A. No.
Q. For her visit?
A. No.

By Mr. E. H. Bloch:

Q. You have never been out of the confines of a jail since your arrest, have you?
A. Except to come to the Federal Building.
Q. This is still jail; you were always in the custody of the Marshal, weren't you?
A. That is right.
Q. Now, has your wife been receiving any money from the Government of the United States?
A. No.
Q. Have you received any money?
A. No.
Q. Is your wife working?
A. No.
Q. Do you know whether she is on relief?
A. She is not on relief.

Q. How old are your children?

[fol. 861] A. One is four and one is nine months.

Q. How old are Ethel's children?

A. One is seven and one is three or four—three.

Q. Can you estimate even roughly how many written statements you have given to the authorities?

A. I would say about six or seven—what do you mean by written? I mean it may not have been written.

Q. Well let us clarify it. How many statements have you given to the FBI or any other of the Government agents or officials where you actually signed your name at the end of certain printed matter?

A. I would say about six or seven.

Q. And how many times in all if you can give a rough estimate besides those six or seven occasions were you questioned where a stenographer was present?

A. I don't remember any stenographer.

Q. Would you say then that all in all you gave only six or seven statements which would include the taking either by notes or otherwise of what you were saying?

A. Mr. Bloch, you will have to clarify that.

Q. All right, I want to clarify it because I want to clarify it for everybody. There were occasions were there not when a stenographer was present when you were asked certain questions.

A. At times there were, yes.

Q. Now, at those times did you sign written statements?

[fol. 862] A. I don't think so.

Q. In other words, besides the six or seven written statements there were other occasions when you were asked questions and a stenographer took down the questions and your answers?

A. That is correct.

Q. Is that correct?

A. Yes.

Q. How many times in all would you say there was a stenographer present at which you were asked questions and answers and they were taken down and transcribed?

A. I couldn't give you an estimate.

Q. More than one?

A. More than one what? The time——

Q. More than one occasion when that happened?

A. Yes, I suppose so.

Q. More than five?

A. You got me. I really—I can't give you an estimate of times on things like that.

Q. When did you first testify before a grand jury sitting in this court—I withdraw that, if I may, your Honor. You know, do you not, that you have been indicted as a defendant in a criminal proceeding brought by the Government of the United States sitting in a District Court of the United States for the District of New Mexico charging you with the crime of conspiracy to commit espionage?

Mr. Cohn: Your Honor, I think Mr. Bloch is going to [fol. 863] start going into matters which involve legal technicalities or which have no relevancy to the issues here. I think it is improper cross-examination. If he wants to go to the bench I will be glad to do that.

Mr. E. H. Bloch: Certainly.

(The following proceedings took place at the bench, outside the hearing of the jury.)

Mr. E. H. Bloch: Standing in and of itself I admit that it is absolutely improper but the purpose of this question is to show, and I am going to connect it, the fact that this witness has never been sentenced, that this indictment is still hanging over his head.

The Court: This indictment here?

Mr. E. H. Bloch: No. This is another indictment, a New Mexico indictment which is still hanging over his head.

Mr. Cohn: You can do better than that, Mr. Bloch. There have been superseding indictments and everything else. There is one indictment which is now on the calendar for trial. The others have been marked off. If you start going into the New Mexico indictment—there was an indictment, a superseding indictment naming another defendant. There was a superseding indictment naming somebody else. So far as bringing out the fact that he is awaiting sentence——

[fol. 864] The Court: Why don't you do it this way: There is another charge pending against you in New Mexico.

Mr. E. H. Bloch: To which you haven't pleaded.
The Court: To which you haven't pleaded.
Mr. E. H. Bloch: All right. That is all I want.
Mr. Cohn: It is not an identical charge. He is charged in New Mexico for removal purposes.
Mr. Lane: It is a substantive count in New Mexico.
Mr. Saypol: Nothing but a link in the chain of events.
The Court: Ask him, there is another indictment in New Mexico to which you haven't pleaded.
Mr. E. H. Bloch: Yes, that is all. That is the only purpose.

(The following proceedings took place in open court, in the hearing of the jury.)

Mr. E. H. Bloch: I withdraw the last question.

Q. In addition to the charge which has been brought against you here and which is the basis for this trial and the issues in this trial, is there another charge pending against you in the United States District Court for the District of New Mexico to which you haven't pleaded and [fol. 865] which still is unresolved?
A. Is this within my compass to know this? I mean I don't think I even know it.
The Court: Now don't ask any questions. He asked you a question.
The Witness: But I don't know.
The Court: If you don't know say you don't know.
The Witness: I don't know.

Q. You don't know about that? You pleaded guilty to this charge which forms the subject matter of this trial, did you not?
A. That is right.
Q. You are a defendant?
A. I am.
Q. When did you plead guilty?

By the Court:

Q. Do you remember the date?
A. No, I can't remember the date.
Q. Why don't you just say that if you don't remember it.

By Mr. E. H. Bloch:

Q. You pleaded guilty did you not in this building to this charge?

A. I did.

Q. And would it refresh your recollection if I told you that you pleaded guilty in Room 318?

A. Yes.

Q. And would it refresh your recollection if I told you [fol. 866] that your lawyer was present at the time you pleaded guilty?

A. That is right.

Q. How many months ago——

Mr. Saypol: Just a minute. What is happening here? Is his recollection being refreshed or is he testifying. The form of the question was such that the witness can't give a clear answer. What transpired is a matter of record.

Mr. E. H. Bloch: All right.

The Court: Proceed.

Q. Now, does that refresh your recollection as to the date when you pleaded guilty?

A. I pleaded guilty to the charge.

Q. Was that many, many months ago?

A. I pleaded guilty to an indictment earlier and I pleaded guilty to this indictment. I withdrew the plea on the earlier indictment at the same time.

The Court: This is a superseding indictment.

Mr. E. H. Bloch: In other words, this is a superseding indictment.

The Court: Yes.

Q. Now, how many months ago did you first plead guilty to this charge of conspiracy to commit espionage? Do you remember that?

A. Back in last year.

[fol. 867] Q. Last year. Have you been sentenced?

A. I have not been sentenced.

Q. Do you believe that by giving testimony in this case that you will be helped in terms of the severity of the sentence to be imposed upon you by the Court?

A. The Court—it is entirely within the discretion of the Court to give sentence, and whatever I do is just—it depends on the Court and nothing else by the Court.

Q. Now I would be—I would ask you to be good enough to answer my question. Do you believe that the Court will be easier on you——

Mr. Cohn: Your Honor, I object.

Q. —because you are testifying here——

Mr. Cohn: Your Honor, I object.

Q. —the way you did?

Mr. Cohn: I object to the question as to form, the witness's belief.

The Court: I believe that what he is trying to get at is a motive for his testimony.

Mr. Cohn: Yes. I have no objection to a proper question.

The Court: So I will permit him to ask the question.

A. I don't believe that I in testifying will help myself [fol. 868] to that great an extent.

Q. When you say "to that great extent", would you like to clarify that for the jury?

A. To any great extent.

Q. Would you say to any extent?

A. To any extent.

Q. All right. Do you believe that by testifying here in this trial that you will help your wife?

A. I don't know what the Government has in mind with my wife and I can't answer for them.

Q. You know, of course, that so far nothing has happened to your wife in terms of any criminal proceeding——

The Court: That has been answered.

Mr. Cohn: It has been answered.

Q. —or brought against her?

The Court: You don't have to answer that.

Mr. E. H. Bloch: I respectfully except.

Q. Let me ask you, Mr. Greenglass, did you ever keep a memorandum book or diary?

A. No, I never did.

Q. So that when you testified here today and yesterday and the day before yesterday, you were relying upon your memory, is that right?

A. Upon my memory, yes.

Q. And solely upon your memory?

A. That's right.

Q. And when you drew the sketches—one of them I [fol. 869] believe in June, 1950 and the other two a day or two before you testified—and I think they are reflected and marked Government's Exhibits 2, 6 and 7—did you rely solely on your memory in making those sketches?

A. I did.

Q. Now, when was the last day that you worked at the Los Alamos project?

A. 1946, February.

Q. What month?

A. February.

Q. That was about four and a half years ago?

A. That's right.

Q. And you relied solely upon your memory?

A. I did.

Q. During all of your months in jail did anybody go over with you any subject matter which related directly to those sketches that were introduced in evidence here as Government's Exhibits 2, 6 and 7?

Mr. Cohn: I don't know what Mr. Bloch means "go over with you". I think if he would clarify that——

The Court: Try to clarify it for him.

Q. Did you draw any sketches for any of the FBI men or any agents of Mr. Saypol's staff prior to the time you came to testify here?

A. I did.

Q. Was that the one that has been marked Government's Exhibit 2?

A. No.

Q. How many sketches did you draw for them?

[fol. 870] A. They were the same sketches, the only thing I used the ruler to accomplish this. The others were free-hand.

Q. Freehand?

A. That's all.

Q. Now, were you given any reference books or textbooks while you were in jail since your arrest, relating to any scientific matter?

A. No. I didn't—nobody gave me any.

Q. Did you read any scientific books while you have been in jail?

A. Just science fiction.

Q. That is, of course, not a basic theoretical journal, is it?

A. No.

Q. That is a popular kind of scientific periodical?

A. That's right.

Q. Now, Mr. Greenglass, I believe you testified that you graduated from high school here in New York City?

A. Yes.

Q. And I think you testified that you went to Brooklyn Polytech?

A. Right.

Q. Is that correct?

A. Yes.

Q. How long did you go to Brooklyn Polytech?

A. Six months.

Q. And how many courses did you take during those six months?

A. About eight different courses.

Q. And did you fail——

[fol. 871] Mr. Cohn: Oh, I object to that, your Honor. What difference does it make?

Mr. E. H. Bloch: I am coming to a new subject now, your Honor.

The Court: I assume you are.

Mr. E. H. Bloch: Yes, and I wish you will bear with me, because I am going to connect this up.

The Court: All right.

Mr. Cohn: Well, I will let Mr. Bloch finish his question. That is as far as I will commit myself at the moment, your Honor.

The Court: Right.

Q. Did you fail in your subjects?

Mr. Cohn: I would now object to that, your Honor. I don't see the relevancy of whether he or anybody else failed in subjects might have and it is certainly not proper cross-examination.

The Court: Before you answer that question, let me ask you: These sketches that are in evidence, are they the product of your own mind? By that I mean, were you helped by anybody on the outside in drawing those sketches?

The Witness: Nobody else, just myself.

The Court: Did anybody tell you to change any line here or change any line there?

[fol. 872] The Witness: Nobody told me anything like that.

The Court: Very well.

Now, you ask your question.

Mr. E. H. Bloch: Are you permitting it, your Honor?

The Court: Yes. What subject? Be specific.

Mr. E. H. Bloch: All right.

The Witness: I will tell the story.

Mr. E. H. Bloch: Look, Mr. Greenglass——

The Witness: I was quite young at the time, about 18, and I liked to play around more than I liked to go to school, so I cut classes almost the whole term. Simple.

Q. How many of the eight courses that you took did you fail?

A. I failed them all.

Q. And did you then go to Pratt Institute?

A. That's right.

Q. How long did you attend Pratt Institute?

A. I attended it for one semester and a half, and the half of the other semester I had to work at night, so I had to withdraw from my classes which was allowed by the school, and I went to work at night, and I did not fail those courses. As a matter of fact, I got good marks.

[fol. 873] Mr. E. H. Bloch: Congratulations.

The Court: Strike that from the record.

Q. Did you ever get a degree in science?

A. I did not get a degree.

Q. Did you ever get a B.S.?

A. I did not.

Q. Did you ever get an engineering degree?

A. I did not.

Q. From any recognized institution?

A. I did not.

Q. Have you pursued any other organized and formal courses, held under the auspices of a recognized educational institution, apart from the Brooklyn Polytech and the Pratt Institute courses that you have mentioned you took?

A. I did not.

Q. Do you know anything about the basic theory of atomic energy?

A. I know something about it, yes. I am no scientific—I am no scientific expert, but I know something about it.

Q. Did you ever take courses in calculus?

A. No.

Q. Differential calculus?

A. I did not.

Mr. E. H. Bloch: I am just looking for a piece of paper, your Honor.

Q. Or thermodynamics?

A. I did not.

Q. Or nuclear physics?

A. I did not.

Q. Or atomic physics?

A. I did not.

[fol. 874] Q. Or quantum mechanics?

A. I did not.

Q. Or advanced calculus?

A. I did not.

The Court: What is this all about? I haven't heard anybody——

Mr. Bloch: Why, if the Court please——

The Court: I haven't heard anybody testify to your complete list. I have heard some of those words used by Dr. Koski, but I haven't heard the rest of that.

Mr. E. H. Bloch: That is right, and the purpose of these questions is to cast—let me put it this way: The purpose

of these questions is to cast *out* upon the probability that this defendant, this witness, could have explained in his descriptions, as he said to Rosenberg and to others, the workings——

The Court: Very well, I have your answer. The charge here is not that he gave him everything that might have been accurate in every minute detail, but that he transferred secret material pertaining to National Defense.

Mr. E. H. Bloch: That is correct.

The Court: And whether he might have turned something over, miscalculating a figure or making an error here and there, is not material to the charge, Mr. Bloch.

Mr. E. H. Bloch: Except this, your Honor, that it goes [fol. 875] to his credibility. I agree with your Honor fully on the basic theoretical legal approach with respect to the charge, but I am asking these questions to impeach this witness's credibility.

The Court: How long is your list? I will permit you to go on.

Mr. E. H. Bloch: It is practically over.

The Court: All right, go ahead.

Mr. E. H. Bloch: And I might say I never took any of these courses.

Q. Have you read any basic works on any of the subjects that I have just asked you about?

A. No.

Q. Do you know what an isotope is?

A. I do.

Q. What is it?

A. An isotope is an element having the same atomic structure, but having a different atomic weight.

Q. Now, did you learn that in Los Alamos?

A. I picked it up here and there.

Q. When you came to Los Alamos, you were a machinist, were you not?

A. I was.

Q. What was your rating in the Army?

A. T/5.

Q. Had you, prior to the time you came to Los Alamos, done any work as a machinist in the Army of the United States?

A. I had.

Q. Where?

A. At a number of places.

[fol. 876] Q. Well, do you mind detailing them, and the length of time that you practiced the trade of machinist in the Army of the United States, prior to the time you got to Los Alamos?

A. I was a machinist at Fort Ord.

Q. For how long?

A. As long as the company was there, I was a machinist there.

Q. For how long was that?

A. Three months. I was a machinist at Southgate, California, in the General Motors Tank Arsenal.

Q. How long?

A. As long as the company was there, I was a machinist there.

Q. How long was that?

A. A period of four weeks.

Q. That is four months so far, right?

A. I was at the P. O. M., Pomona Ordinance Base, three months there; I was at Aberdeen Proving Grounds, three months there.

Q. That is seven; that is ten.

A. Okay, that is ten right there in the Army.

Q. All right.

A. And every other post that ever worked on, was in, in the Army, I worked as a machinist.

Q. Were you classified in the Army as a machinist?

A. I was classified—I had two classifications.

Q. I am talking about the first one, before your promotions.

A. Before my promotions? I was classified—when you originally come into the Army you have just a basic classification, which means you have taken basic training. After [fol. 877] that you have certain skilled classifications. I had two skilled classifications.

Q. What were they?

A. One was automotive machinist and one was machinist and toolmaker.

Q. And when you got to Los Alamos, were you an automotive machinist or a machinist?

A. A machinist.

Q. And you say that you first worked in a certain building called the "C" building—"E" building, I am sorry?

A. "E" building.

Q. Now, how many machinists besides you were in that building?

A. At the time, about four, five, maybe six.

The Court: Is this a convenient place to break off an recess?

Mr. E. H. Bloch: I think so.

The Court: All right, we will take our recess. May I see counsel, please.

(Discussion at the bench off the record.)

(Short recess.)

[fol. 878] Q. I believe, Mr. Greenglass, that before recess we were discussing your job as a machinist in the Army. Now at the E Building, how many other machinists were there besides you?

A. There was about four or five or maybe even six.

Q. And did they run up to as high as ten at times?

A. That's right.

Q. And you had an immediate supervisor, did you not?

A. I did.

Q. And his name was what?

A. His name was Demars.

Q. And his name was what?

A. His name was Demars.

Q. And besides Demars there was Sergeant Fitzpatrick?

A. That is right.

Q. And above Sergeant Fitzpatrick there was Dr.——

A. Kistiakowski.

Q. Is he the gentleman who testified here?

A. He is not.

Q. Now, when the E Shop moved into the Theta Building did the workers in the E shop remain as a departmental unit or were you joined or did you join with other machinists?

A. No, it was the same shop.

Q. Were there any other machine shops in the Theta Building?

A. No other machine shops in the Theta Building.

Q. Now when you were in the E Building the only persons or employees who were working in that building were the five or six or ten mechanics, machinists with [fol. 879] their supervisors, is that right?

A. That is right——

Q. Now, how about——

A. —in working in the buliding or in the shop? You said "building".

Q. Were there other employees working in the E Building?

A. Yes.

Q. How many others?

A. I can't tell exactly. There was laboratories all over the building.

Q. And how about when you moved into the Theta Building?

A. There were other employees working there, too.

Q. Was the Theta Building a bigger building than the E Building?

A. Well, there was more room for our group in it. It wasn't bigger.

Q. You mean it wasn't bigger physically?

A. It wasn't bigger physically.

Q. Were there more employees working in the Theta Building than in the E Building?

A. I don't know.

Q. Were there more machinists working in the Theta Building than in the E Building?

A. No.

Q. About the same?

A. That is right.

Q. Now with respect to the security regulations at Los Alamos were you searched at all when you came in to report to work in the morning?

A. No.

[fol. 880] Q. Pardon me?

A. No.

Q. Were you searched at all when you quit at the end of the day?

A. No.

Q. Were there any security police or guards around?

A. There were.

Q. Were they in the E Building?

A. They weren't in the buildings, no.

Q. Were they in the Theta Building—were they outside the building?

A. They were at the entrance to the building—at each entrance.

Q. When you came to work in the morning and when you left at the end of the working day was it necessary for you to pass through this screen of security police?

A. That's right.

Q. Did those security police look over any packages or any other thing that you may have had on your person either coming in or going out?

A. They did that.

Q. And were you frisked—do you know what "frisked" is?

A. I have learned.

Q. Well—you have learned. You learned that in jail. All right, then we both understand the term. Were you frisked when you came in to work in the morning or when you quit in the evening?

Mr. Saypol: I think Mr. Bloch ought to be relieved of any unconscious implication that he cast upon himself.

[fol. 881] Mr. E. H. Bloch: I didn't mean it; I didn't mean it.

Q. Frisk means somebody touching your person to find out whether you have something on your person, isn't that right? Isn't that the definition of frisk?

A. That is right.

Q. Now, did you at any time ever take out of the Los Alamos project to your home or to any quarters which you were using for dwelling purposes any blueprint or any sketch during any of the months or years that you worked at the project?

A. No, I didn't.

Q. How long did you continue to work as a machinist until you were promoted to the assistant foreman's position?

A. From about March, 1945—I still continued to work as a machinist.

Q. But you supervised other men?

A. Yes. I mean I still——

Q. You were what one would call a working foreman?

A. That is right.

Q. So that when your wife came down to visit you in Albuquerque, New Mexico, in November, 1944, and during the time when you received your first furlough in New York in January, 1945, you had not as yet been promoted to be an assistant foreman, is that correct?

A. When my wife was out there I was already.

[fol. 882] Q. No, maybe I misunderstood you. Let us clarify the record. When you became an assistant foreman, I believe you said sometime in 1945—maybe I didn't——

A. I said about March, 1945.

Q. March, 1945?

A. Yes.

Q. Your wife came out to see you for the first time?

A. Oh, in 1944, that is right.

Q. And your first furlough to New York was in January?

A. That is right.

Q. At that time you were still a machinist and you had not been promoted to be an assistant foreman or working foreman, is that right?

A. That is right.

Q. And while you were working as a machinist until the time you were promoted to be an assistant foreman, what color badge did you wear around the project?

A. I would like to explain that a little, Mr. Bloch.

Q. Certainly.

A. When I first came to the Project they had three color badges. There was a white, blue and red. Now, the blue badge was the one you were supposed to wear if you could know what you were working on but nothing further. The white badge knew practically everything. The red was where the person wasn't supposed to know anything of what was going on.

Q. Correct.

A. Now, these badges were changed sometime during the [fol. 883] Project.

Q. During when?

A. During the Project, during the year, that year.

Q. 1944?

A. 1945.

Q. No, no—all right.

A. Now wait, let me explain, and then I will go back.

Q. All right.

A. Now, they changed that. At that time they switched the blue to the red position so that if you had a red badge it was what you used to have when you had a blue badge. At the time you are talking of you had a blue badge which was the equivalent later on of the red badge.

Q. So there was a white badge in 1944 and that badge was worn by the top scientists, the real top men in the Project, is that right?

A. Yes.

Q. The more important officials?

A. Yes.

Q. All the most important officials?

A. That is right.

Q. And then came those who were employed regularly at the Project, and this is quite rough, people like you?

A. Yes.

Q. And they wore the blue badge?

A. That is right.

Q. And people who came in sporadically or temporarily to do work on the Project wore the red badge?

A. That is right.

[fol. 884] Q. Let us fix our minds on these badges because I want to cover 1944 on. During that year did you procure any information concerning the work at the Los Alamos Project from anybody outside the E Building or the Theta Building?

A. From November 29th after I had seen my wife until January 1, I did get information.

Q. You did? You were still wearing the blue badge?

A. That is right.

Q. Now I want you to name one scientist from whom you received unauthorized information?

A. By that you mean that he knowingly gave me the information?

Mr. E. H. Bloch: Now may I have Government's Exhibit 1, please.

Q. Now, Government's Exhibit 1 in evidence deals with the regulations governing the conduct of employees at the Los Alamos Project, does it not?

A. That is right.

Q. This you identified. Is there anything in these regulations which prohibit an employee from giving information to another employee outside the official routine run of business?

Mr. Cohn: Now, your Honor, I think the exhibit speaks for itself. I tried to inquire into the contents of the exhibit and was stopped on the ground that the exhibit does speak [fol. 885] for itself, and I think it does in exact terminology.

The Court: No. That is a proper question.

(Last question read.)

A. I don't know exactly what it says in there because I haven't read it recently, but I suppose it does state something to that effect.

Q. Now, you stated that after your wife came to visit you around November 29, 1944, until the time you got your first furlough in January, 1945, you did get information outside what would come to you in the official discharge of your duties as a machinist, is that right?

A. That is right.

Q. And did you procure that information from somebody who was not assigned permanently to the E—I think at that time you were in the Theta Building, weren't you, at the Theta Building?

A. Well, first of all a scientist—it was anybody who was employed up there as a scientist. That could be a G. I., a civilian, and I did procure for instance the fact that Baker was Bohr from a man who happened to be a scientist.

[fol. 886] Q. What is the name of that GI?

A. William Spindel.

Q. Did you procure any information, to which you believe

you were not entitled, from any scientist during this period from November 29, 1944, to January 1, 1945?

Mr. Cohn: I object to that.

The Court: Upon what grounds?

Mr. Cohn: I don't think it is relevant.

The Court: All right. What is the ground? I don't see the relevancy as to whether he got the information to which he didn't think he was entitled?

Mr. E. H. Bloch: This is on the question of credibility, your Honor. This man is testifying that he is relying solely upon memory and he testified that he procured certain information.

The Court: You say it is on the question of credibility?

Mr. E. H. Bloch: That is right.

The Court: You may go ahead. What is your question now? Put it again.

Mr. E. H. Bloch: Will you read the question, please.

(Question read.)

A. I told about Bohr.

Q. You told us about Bohr already. You said you got [fol. 887] that information from this GI, whose name is Spindel. Now I am asking you if you got any information from any scientist working on that project during that period?

A. I was in the room when I heard discussions about implosion effect experiments, implosion effect of lenses, while some scientists were discussing it in the office of the building I was in.

Q. Were you lawfully in that building at the time?

A. I had come in to pick somebody up to go to lunch.

Q. You weren't there unlawfully?

A. No, there was nobody telling me not to go into this room or that room. There are certain restricted areas.

Q. Yes, but you couldn't wander around the development, could you?

A. All over the tech area, it was perfectly all right for me to go.

Q. Even when you are machinist?

A. Absolutely. In my case, in my building, in my group, I don't know anybody else.

Q. We are confining ourselves to the time before you became assistant foreman.

A. Yes.

Q. Any other incidents?

A. You said "that month". Well, that is all I remember for that month.

Q. Now then after you returned from New York on your first furlough, did you receive any information from any [fol. 888] scientist on that project outside of information that would come to you through the discharge of your official duties?

A. Yes, I did.

Q. And from whom?

A. Well, it was in the theoretical physics department.

Q. Where was that located?

A. In the Tech area.

Q. What building?

A. "T" building, probably.

Q. "T" building?

A. Probably, and this man was a mathematician who worked there, gave me a pretty good idea of what the lenses were about; he knew the physics, I mean, involved.

Q. Was this in the course of an official lecture that you attended?

A. No.

Q. This was in a private discussion?

Mr. Saypol: Just a minute, Mr. Greenglass. May I voice an objection at this stage to certain phases of this cross-examination, in what I consider to be the selective use of certain words which might tend to give the impression that only a given type of information was restricted, and therefore there could be no illegal transfer of that material. In the first place, when counsel addresses himself to the witness, inquiring as to whether any information was obtained from scientists, or a scientist, the narrow implication is that otherwise it was free to be received by him. For the sake of the discussion and my argument, and bearing in [fol. 889] mind an observation made by your Honor a moment before, I conceive, it is my theory of the case, that one like this defendant could find material in that project in a wastepaper basket, discarded in violation of the regu-

lations—they were to be burned—and that would come within the purview of the law.

Now I request the Court that counsel be directed to address his questions to information obtained in violation of these regulations which are contained in Government's Exhibit 1, without restriction by the use of such words as "scientist".

Mr. E. H. Bloch: Well, if the Court please,——

The Court: I don't need any argument.

Mr. E. H. Bloch: All right.

The Court: As I understand it—and I think it is perfectly clear to the jury—everything was restricted there, everything. Is that right, Mr. Bloch?

Mr. E. H. Bloch: Everything was restricted except what an employee necessarily was permitted to find out in connection with the discharge of his official duties. In other words, may I just say this: suppose a machinist is working on a blueprint; naturally that was restricted in the eyes of the world, but it was not restricted to him. I am talking about unlawfully.

[fol. 890] The Court: It was restricted beyond him.

Mr. E. H. Bloch: Yes, that is right.

The Court: So that as to that particular limited piece of information, he was permitted to know it, period.

Mr. E. H. Bloch: That is correct. Now I am inquiring as to information received by this witness, to which he was not entitled in the discharge of his official duties. I tried to make that as clear as possible, and I now restate that that is the sole purpose of these questions.

Mr. Saypol: May I make a further observation? The very language of these regulations, both in respect to receiving information from unauthorized persons or unauthorized information, or giving unauthorized information or giving it to unauthorized persons, demonstrates the broad generality of the restricted area.

The Court: Proceed.

By Mr. E. H. Bloch:

Q. Now, I believe on your direct examination you told us, in substance that you snooped around to get information; isn't that right?

The Court: Don't shake your head. You had better answer.

A. Oh, yes, yes.

[fol. 891] Q. And you would make it your business to enter into a conversation or overhear conversations where you could pick up information?

A. That is right.

Q. Is that correct?

A. Yes.

Q. Now, could you give us just two instances of information that you picked up that way?

A. I came into a room; there was a piece of material on the table; I picked it up and I said "It is an interesting piece of material and it is interestingly machined." The man I spoke to and another man was there said, "Oh, that is neutron source," and explained how it was used, in a conversation. That is one way. That is one instance.

Q. Was that in the tech area?

A. It was in the tech area.

Q. All right, give me another instance—just pardon me, Mr. Greenglass. I don't like to break the trend of thought, but just for clarity, in connection with this first illustration of how you picked up information; were these men, who told you about the fact that this piece of material would have something to do with neutrons, were these men, these employees, top scientists?

A. Now, look, every scientist had a white badge there.

Q. Were they white badge men? Let me put it that way.

A. One was a white badge man; one wasn't.

[fol. 892] Q. All right, now go to the second instance.

A. Another instance. A man came in to me with a sketch—with a piece of material; said "machine it up so that I would have square corners, so I could lay out a lens; come over and pick it up." I would go over to his place; he was a mathematician, a scientist, he had laid it out, and I would say, "What is the idea"? He would tell me the idea.

Q. Tricky like, eh?

A. Nothing tricky about it.

Mr. Cohn: Your Honor——

The Court: Strike that out.

Mr. Cohn: I think that should be stricken, your Honor.

Q. Well, you meant to trick, did you not, the person who was talking?

A. Well, I meant to get the information from him.

Q. By trick, didn't you?

Mr. Cohn: Your Honor, we have had that many times.

Mr. E. H. Bloch: All right, I will withdraw it, but I just wanted the Court to know that I wasn't using words loosely.

Mr. Saypol: That is why it was objected to, because it wasn't being used loosely.

[fol. 893] The Court: All right.

Q. Now, then, when you were a machinist, were you given a blueprint now and then to work on?

A. That is right.

Q. And were you ever given, as a machinist, a job to do without cooperation with other machinists?

A. Surely.

Q. Now, the job that you did was only a part, however, of the matter, or the material that was to be constructed in connection with an over-all blueprint; isn't that so?

A. Sometimes, yes. Sometimes it was something by itself.

Q. And when it was something by itself, wasn't it just the construction of some little metal bar or some other little appliance?

A. A lot of little appliances go into making something bigger.

Q. That is correct; you didn't make all the appliances that went into this lens, did you?

A. Of course not—in the lens mold, I made a complete lens mold.

Q. You yourself made a complete lens mold?

A. That is right.

Q. Did you make the complete lens mold that was subsequently assembled at the remote project, at which the detonation went off?

A. I can't tell.

[fol. 894] Q. You don't know that?

A. I don't know that.

Q. How long did it take you to make the complete lens mold?

A. Well, the flat type lens mold would take me about twenty-four hours of work.

Q. Were other machinists likewise trying to construct flat lens molds?

A. Certainly.

Q. And did they also work from blueprints?

A. Of course.

Q. Did you ever make a copy of any of the blueprints that were given to you to work on?

A. I made a copy for my own use in the shop.

Q. Did you ever make a copy of any blue print and take it out of the project?

A. I did not.

Q. Did you ever steal any documents, whether it be blueprints or any other matter, or even including any material, and take it out of the project to your home?

A. I did not.

Q. Or to the place where you stayed?

A. I did not steal anything of that nature. I made a radio; I took the radio out; I showed them the radio on the way out, and it was perfectly permissible to do that. I made a phonograph attachment; I brought that out with me, too.

Q. So that we can be very clear about this now, when you made the sketches for the Government, and particularly the sketches which have been marked as Government's exhibits 2, 6 and 7, you relied solely upon what [fol. 895] you remembered you had done and the knowledge that you had accumulated while you were working at Los Alamos prior to 1945; is that right?

A. Prior to 1945?

Mr. Saypol: 1946.

Q. 1946.

A. That is right.

By the Court:

Q. And would you give the same reply with respect to the sketches that you said you turned over to Rosenberg, and that was also a reconstruction of what you carried in your mind of the type molds, that is, as to 2 and 6 anyway, as to the type molds you had made, and then as to the process which is incorporated in 7?

A. That is correct.

By Mr. E. H. Bloch:

Q. And that was true also of the material that you said you turned over to Gold?

A. That is correct.

Q. Now, tell me, when you worked on the lens mold, or, in fact, when you worked on any piece of apparatus while a machinist, were you given any lectures as to the functions of the particular piece that you were working on and constructing? This was while you were a machinist now.

A. What do you mean by lectures; formal lectures, in a group?

Q. Let's separate all the possibilities. Were you ever [fol. 896] given any formal lectures?

A. No.

Q. Were you ever given any informal instructions?

A. Yes.

Q. Concerning their function?

A. Yes.

Q. Now were you ever told their functions in relation to the complete object that was to be constructed?

A. There are different types of lens molds. Some were not used on the bomb itself, and some were just used for experiments.

Q. How many lens molds in all would you say were constructed at the Theta building while you were working there?

Mr. Cohn: I object to that as irrelevant, as to how many lens molds were constructed at the Theta building.

The Court: Need we have that?

Mr. E. H. Bloch: He said "many." I will be satisfied with the answer "Many."

The Witness: Many.

[fol. 897] Q. Now Mr. Greenglass, can you sketch for us every lens mold upon which you worked or which was constructed at the Theta shop in Los Alamos?

A. Not everyone but I can draw—sketch a good deal of them.

Q. A good deal of them—showing the developing process and the improvements that had been made; can you do that?

A. The sketches are—well, that was only the improvement in the curve, and I didn't know that. The curve looked the same to me—maybe a little flatter or a little more tapered but I couldn't tell which curve was—I mean it would be very difficult to tell which one was the improvement over the other.

Q. You did not even know the formula for the curvature, did you?

A. That is exactly correct.

Q. What? You had to be a scientist to know the formula, isn't that right?

A. That is right.

Q. Now, I would like to direct your attention to the time that you said you came to Rosenberg's house in September, 1945. I think you testified—again check me; I am doing this in substance and rather roughly—that you and your wife came there sometime in the evening?

A. September, 1945 I came in the afternoon.

Q. Well, when was the time that this Ann Sidorovich was there?

A. That was January, 1945.

Q. All right, then let us forget about September and [fol. 898] go to January.

In January, or the early part of January, I believe you testified you came to the Rosenberg house in the evening and you met Ann Sidorovich?

A. That is right.

Q. You said you knew her husband?

A. I had known her husband.

Q. Prior to the time that you were introduced to her that evening?

A. That is right.

Q. And that was the first time you met Mrs. Sidorovich, is that correct?

A. That's right.

Q. Were you told where Mrs. Sidorovich lived at the time you were introduced to her?

A. I don't believe that I knew that at the time.

Q. Now you say you did know Mr. Sidorovich?

A. That's right.

Q. How often had you met him prior to the time that you first met his wife?

A. Well, Julius had introduced me to him and I had met him while I was going to school. I met him—I seen him around school and we talked together a number of times.

Q. Don't you——

A. I met him on buses.

Q. Would you want to change your answer if I suggested to you that the Sidorovichs did not live in New York City in January, 1944?

[fol. 899] A. It wouldn't—make any difference——

Q. In 1945, I am sorry.

A. It wouldn't make any difference to that because I met her there. I did not know anything about where they lived.

Q. Now we are talking about time. You may have met her there but I am trying to focus your attention on the time. Is it your testimony unequivocally that in January, 1945 you met Ann Sidorovich at the Rosenberg's home in Knickerbocker Village?

A. That is correct.

Q. All right. Now I think you testified that Julie Rosenberg told you that he had received from the Russians or from the Russian Government, a watch. Did you ever see that watch?

A. He showed it to me.

Q. Describe it?

A. It was a round watch, round dial watch with a sweep second hand.

Q. With what?

A. A sweep second hand—round faced watch with a

sweep second hand, and it had—at the time he first showed it to me I believe it had a leather strap.

Q. Did you ever see the watch that you say Ethel got from the Russians?

A. I might have seen it but I didn't—I didn't——

Q. Didn't what?

A. Well, I wasn't told that that was the watch.

Q. Can you describe the watch that you saw on Ethel's [fol. 900] hand or any time when she had a watch on her hand in her possession?

A. I can't describe that watch, no.

Q. I think you also said that the Rosenberg's told you or Julie Rosenberg told you that he received a console table from the Russians. Did you ever see that console table?

A. I saw that console table.

Q. Describe it?

A. Well, they had it up against the wall. It is a dark color, mahogany probably. It is wider than that table right there (indicating)—I mean the length.

Q. Wider than which table? Do you mean the table against which I am standing (indicating)?

A. Yes. It is longer—it is a little bit wider, and it is maybe four feet long, maybe three and a half, four feet long.

Q. Mr. Greenglass——

A. And it is——

Mr. Cohn: Wait. I would like him to finish the answer.

Mr. E. H. Bloch: Yes, I want it.

Q. But you are a machinist, you understand that descriptions of lengths don't show up by this table, because that doesn't appear in the record. Then tell us how long it was and how wide it was?

A. I would say it was about—you see, the top of the console table, one side lifted up so it made an "L" if you had it against the wall, and that is the way I saw it. [fol. 901] With the "L" up against the wall, it was about three and a half feet, maybe three feet long (indicating), except that is the width when the console table is opened

up and the part of the table underneath the head or the board on top is about two feet wide.

Q. Now when was the last time you saw that console table in the Rosenberg's house?

A. It was some period between '46 and '49. I can't place it.

Q. Well, do you mind thinking for just a moment about that?

A. I can't definitely say when was the last time I saw it. saw it.

Q. Was that the only console table in Rosenberg's living room?

A. Yes.

Q. And was that console table used for eating purposes?

A. That console table was used for photography.

Q. For photography?

A. That's right. Julius told me that he did pictures on that table.

Q. Did you ever—withdrawn.

Q. Were you ever at the Rosenberg's house when food was served on that table?

A. I might have been.

Q. I think you also testified that Rosenberg said to you he received a certificate from the Russians?

A. A citation.

The Court: A citation.

[fol. 902] Mr. E. H. Bloch: A citation—I am sorry.

Q. A citation. Did you ever ask him to show you that citation?

A. I never asked him to show it to me, no.

Q. Did you ever see it?

A. I did not see it but he said there was——

Q. No, no——

Mr. Cohn: May we have the balance?

The Court: Go ahead.

A. (Continuing) There were certain privileges that went along with that.

The Court: Yes, you told us that.

Q. Now did he tell you in any detail how that citation read?

A. I don't believe he did.

Q. Weren't you impressed when Rosenberg told you that he received a citation from the Russian Government?

Mr. Cohn: I object to whether or not the witness was impressed, your Honor.

The Court: I will sustain the objection.

Mr. E. H. Bloch: I respectfully except.

Now, may I have the Jello box exhibits, please?

(Handed to Mr. Bloch by Mr. Cohn.)

Q. Now Mr. Greenglass, let us come to this Jello box incident. I believe your testimony was, substantially, that in September—I am sorry, in January 1945 after Ann [fol. 903] Sidorovich left, you and your wife remained along with the Rosenbergs?

A. That's right.

Q. And then this Jello business took place, is that right?

A. That's right.

Q. Now I am going to show you Government's Exhibit 4 (handing witness), and I went you to look at that very, very carefully and after looking at it very, very carefully I want you to tell the Court and jury whether that is substantially similar to the part of the Jello box which corresponds to that that you allege was used that night.

Mr. Cohn: I don't quite understand the question myself, your Honor.

The Court: You are asking him whether this is the same kind of Jello box that was used in 1945.

Mr. E. H. Bloch: That is right. It is not the contention that this was the Jello box that was used?

Mr. Cohn: No.

Mr. E. H. Bloch: That is what I want to know.

Q. I want to know whether it is substantially similar?

A. It is substantially similar.

Q. Is it identical?

A. It is not identical, no.

Q. What is the difference between the box you have in your hand marked Government's Exhibit 4 and the box that you claim was cut up that night at the Rosenberg house in January, 1945?

A. They made a darker colored box at the time. It [fol. 904] seemed to me much darker than this, than the way it is now.

Q. ANy other differences?

A. I didn't read the Jello box then and I haven't read this one now.

Q. How can you answer or how did you answer intelligently my question before when I asked you whether or not this box was substantially similar to the one that was used at the Rosenberg house?

A. It said Jello on both boxes.

Q. That is the only similarity that you can see, is that right?

A. And the shape of the box is about the same.

Q. Do you notice on that box Government's Exhibit 4 there is a description of the flavor?

A. I do.

A. What is the flavor on Government's Exhibit 4?

A. Raspberry.

Q. Is it imitation raspberry?

The Court: Is that material?

Mr. E. H. Bloch: It might be.

The Court: Or is it facetious?

Mr. E. H. Bloch: No, no. It might be.

The Witness: Imitation raspberry.

Mr. E. H. Bloch: May I say to the Court that I can see what might be coming in the Government's case and I think this is an important piece of testimony that purports [fol. 905] to link up my client with Harry Gold.

The Court: All right, no argument, Mr. Saypol.

Go ahead. Proceed.

Mr. Saypol: I would like permission to make one statement.

The Court: Make it very brief.

Mr. Saypol: All right; I certainly can't see how the flavor of the Jello would have anything to do with it.

The Court: I can't either, but I will let him ask it. It seemed to me like attempted humor but I may be wrong.

The Witness: What was the question?

(Question read.)

A. This was imitation raspberry flavor.

Q. What was the one you say was used in Rosenberg's house?

A. I really don't know.

By the Court:

Q. Didn't I understand you to say that they had gone into the kitchen, Mr. Rosenberg, Ethel Rosenberg and your wife?

A. That is right.

Q. And you were in the living room?

A. Yes.

Q. And they brought out the piece cut up?

A. That is right.

[fol. 906] By Mr. E. H. Bloch:

Q. And they didn't bring out this part of the Jello box which is marked Government's Exhibit 4, is that right?

Mr. Cohn: Your Honor, I might state that it is marked Government's Exhibit 4 for identification.

Mr. Saypol: Yes, and probably for that reason.

The Court: Mr. Bloch wanted it marked for identification.

Mr. Saypol: Probably for that very reason.

Mr. E. H. Bloch: Yes, for that very reason and as a matter of fact, I now introduce it in evidence.

The Witness: But the box itself I never did see. I was given a very good idea what that Jello box looks like and I know what it looks like from previous experience.

Mr. E. H. Bloch: I would like to introduce Government's Exhibit 4 for identification in evidence.

Mr. Cohn: I think it has no relevancy at all but if Mr. Bloch feels that it is going to be helpful in any way I have no objection.

The Court: It may be received with the understanding that the witness said he didn't see the box or the side of it cut up in the kitchen.

(*m*arked Government's Exhibit 4.)

[fol. 907] By Mr. E. H. Bloch:

Q. Are you color blind?

A. I am.

Q. Do you know what color this is?

A. I do not. If you will notice Mr. Bloch——

Mr. E. H. Bloch: I move to strike any gratuitous statements of the witness.

The Court: Yes.

Q. Now then——

The Court: Are you going into a new subject?

Mr. E. H. Bloch: I am continuing on the Jello box, your Honor.

Mr. A. Bloch: May we step up for a minute?

(The following proceedings took place at the bench, outside the hearing of the jury.)

Mr. A. Bloch: I think in the interest of time we could take a recess now.

The Court: Senior says in the interest of time we might take a recess now. He thinks we will save some time if we take a recess for the evening.

Mr. E. H. Bloch: I would like it. I have worked hard all day.

The Court: All right.

Now, will you make every effort to curtail your cross?

Mr. E. H. Bloch: Yes, As a matter of fact, I don't think [fol. 908] I have too much more.

The Court: We will recess and will you make an effort in the interest of expediting this thing to shorten your cross?

Mr. E. H. Bloch: Yes.

The Court: I am sympathetic with what you are trying to do. I think you could have done it in less time than you did it. You have your way. Every cross-examiner has his own way of doing it, but you have a way of being ponderous. Some take big steps; you take small steps. I think that is the best way to put it.

Mr. A. Bloch: I think the question of saving time should be addressed. to me.

Mr. E. H. Bloch: I have a double burden, your Honor.

(The following proceedings took place in open court in the presence and hearing of the Jury.)

The Court: We will recess at this point, ladies and gentlemen until 10:30 tomorrow morning.

(adjourned to March 14, 1951 at 10:30 a. m.)

[fol. 909] New York, March 14, 1951.
10:30 o'clock a. m.

TRIAL RESUMED

(Jury in box.)

DAVID GREENGLASS, resumed.

The Court: I might say to the jury while we are waiting that the exhibits we refer to as Government's Exhibits 2, 6 and 7, the sketches that were prepared by the witness, Greenglass, I do hope it is made clear to you that these sketches were prepared in anticipation of the trial by the witness and reflect, the witness says, copies of the sketches which he had turned over to Rosenberg. Now, they are introduced into evidence for the jury's edification, because it is felt that mere language cannot describe to the jury what was contained in the sketches that were turned over to the defendant Rosenberg. So, on that ground, these sketches were introduced.

Mr. E. H. Bloch: If the Court please, I assume that whatever objection I made at the time of their original introduction remains, because I don't want my silence at this time to acquiesce in the ruling.

The Court: In other words, I want it made clear I did [fol. 910] not introduce it on the ground that it is secondary evidence. That is not the ground upon which it was int-oduced.

Cross-examination continued.

By Mr. E. H. Bloch:

Q. Now, Mr. Greenglass, I believe almost at the end of your testimony yesterday afternoon you told this Court and jury that you were color blind; is that right?

A. That's right.

Q. Now, I show you Government's Exhibit 10 (handing to witness) and ask you whether you can tell us what color that bag is?

A. From previous experience, when I see a shading of this nature, I say it is brown. I don't actually see the color brown, but I say it is brown and I know that I have heard words to the effect that "brown paper bage," "brown manila paper," I realize that it is brown; everybody accepts it as brown, so I call it "brown."

Q. Even though you are not sure this is brown?

A. No.

Q. Now, is it your testimony, Mr. Greenglass, that you gave the $4,000. to your brother-in-law wrapped in this bag?

A. Wrapped in that paper, yes.

Q. You didn't turn over this bag, Government's Exhibit 10, to the Government authorities, did you?

A. I did not.

Q. Have you ever done shopping for your family?

[fol. 911] A. I have.

Q. And have you purchased articles at grocery stores and meat markets and other retail establishments, where the food and other articles of consumption were wrapped in paper bags?

A. I have.

Q. I want you to take a look at Government's Exhibit 10, please (handing to witness); take it out of the cellophane wrapping and tell the Court and jury whether or not you see any distinguishing characteristics on that bag which would differentiate it from the ordinary common shopping bag that people get in grocery or meat markets or other retail establishments.

A. This bag was torn at the time I got it. It was wrapped this way.

Q. Which bag?

A. It wasn't in the bag, it was torn and I recognized it by the torn edges.

Q. Now, in other words, as I am holding this bag—well, this isn't a full bag, is it?

A. It was torn.

Q. Just a second.

A. I said, "Wrapped."

Q. No, no, just for the record, Mr. Grenglass——

The Court: No, will you finish what you were going to say?

Now, Mr. Bloch, this business of interrupting a witness and interrupting me when I talk has got to stop. Now let him finish what he is going to say.

[fol. 912] A. (Continuing) I never said it was in the bag. I said it was wrapped in a torn paper bag. The bag had been ripped off and it was wrapped in it. That is how I recognize it.

Q. Now, is it your testimony that this $4,000. came wrapped in this paper, which is Government's Exhibit 10, but it was not in a bag form?

A. It was not in a bag form.

Q. Was this Scotch tape on the paper at the time you received the $4,000. (exhibiting)?

A. Yes.

[fol. 913] Q. And was this part of the piece of paper of Government's Exhibit 10 torn at the top?

Mr. Saypol: Referring to the upper edge.

Q. Referring to the upper part of the paper?

A. It was torn, yes.

Q. It was torn? Now I want you to illustrate to the jury and to the Court just how that $4,000. was wrapped in the bag and where the Scotch tape was.

A. (Witness folds paper.) Wrapped in that way (indicating).

Q. Wrapped in that way, meaning—I want to get you straight—meaning that this torn part that you were just talking about——

A. There were other torn——

Q. Just a second, may I finish the question. You correct me if I am trying to say anything which you don't understand: That this torn part which you showed us was not visible from the outside when the $4,000. was wrapped in it, is that correct?

A. That is right.

Q. You say there were other torn parts. Where were the other torn parts?

A. Along the edges which I saw because they were folded over. I saw that they were torn. I also noticed this cellophane on it, this cellulose tape. I also noticed that.

Q. Now, let us come to the other torn parts. You say that along the edges there were other torn parts, is that [fol. 914] right?

A. Yes, and they were folded in to the edges.

Q. Now, are you now referring—Mr. Saypol, I want to get this straight.

Mr. Saypol: All right.

Q. (continuing) Before we were talking about the torn part.

A. I was talking about the thing in general had torn——

Q. I know, but we want to be detailed about it. The top was torn. You testified that before. At least you mean ragged.

A. Ragged, yes.

Q. Is that right?

A. Yes.

Q. Now, are you telling the jury that the sides were ragged also?

A. Yes, they were pretty ragged.

Q. And is this what you mean by ragged sides (indicating)?

A. That is right, and also I do mean that the bottom is slightly irregular too.

Q. And the bottom is slightly irregular too?

A. Yes.

Q. You mean by irregular that where the Scotch tape was placed there is a little notch?

A. What I am trying to get at is that when I opened this thing up slightly to see that there was money in there I was able to see that there were torn edges and so on and so forth, an irregular bag.

[fol. 915] Q. After you opened up that bag—I withdraw that. When did you open up this package?

A. A little later that same day.

Q. Was your wife present?
A. I believe she was.
Q. Well, do you know or don't you know?
A. She was in the room, or she could have seen it, I am sure.
Q. Did you call her attention to the fact that you had $4,000. in this bag?
A. I did.
Q. Did she come over and look at the money?
A. She did.
Q. Did you count the money?
A. I didn't count it, no.
Q. Didn't count it at all?
A. No.
Q. At no time?
A. No.
Q. Prior to the time you turned this money over to your brother-in-law?
A. I didn't count it.
Q. In what denominations did this $4,000. consist of?
A. In 10s and 20s.
Q. Was the money stacked up as money usually is, for instance, before a teller in a bank?
A. It was stacked up.
Q. You didn't count the money?
A. No, but I looked at it.
Q. All right. Now what was the denomination of the bill on the top?
A. Twenty.
Q. And what was the denomination of the bill on the [fol. 916] bottom?
A. There were 10s on the bottom.
Q. How many twenties were there?
A. I didn't count them, I said.
Q. How many tens were there?
A. I didn't count them and I don't know how many tens or twenties. I don't know——
Q. Well, you did look at the money sufficiently to know that there were twenties and tens, is that your testimony?
A. That is right.
Q. But you didn't count the total amount?

A. No, I didn't count it.

Q. Now, let us come back to this side of the Jello box which has been marked Government's Exhibit 4-A and 4-B, being the two respective parts of the sides.

Mr. Cohn: Excuse me, Mr. Bloch, I dislike to interrupt, your Honor, but we just checked on the record. The witness did not use the term "paper bag."

Mr. E. H. Bloch: If the Court please, I object to any interruption at this time. I think that Mr. Cohn has an opportunity to bring that out in redirect.

Mr. Cohn: Your Honor——

Mr. E. H. Bloch: I do not think Mr. Cohn should interrupt——

Mr. Cohn: I think when there is a misstatement of the record it is not only my right but my obligation, even [fol. 917] though I think it is comparatively unimportant to see that the correct wording is in the record.

Mr. E. H. Bloch: At the appropriate time.

The Court: Then this would be the appropriate time.

Mr. E. H. Bloch: All right.

The Court: If you are attempting to quote from a record where it appears, it might be better to do it that way.

Mr. E. H. Bloch: What page is that, Mr. Cohn?

Mr. Cohn: I am looking at page 759. In fact, the usual form in questioning a witness on the basis of previous answers——

The Court: I know what the usual form is.

Mr. Cohn: —is to cite a particular page of the record and to say "Were you asked this question and did you give this answer," then there is no mistake.

I am looking at page 759 of the record:

"Q. Was it wrapped in any container of any kind?"

Mr. E. H. Bloch: That is your wording.

Mr. Cohn: Yes, that is the question. The witness' answer:

"It was wrapped in brown paper."

"Q. Brown paper; is that right?

A. That is right."

[fol. 918] The Court: All right, let us proceed.

By Mr. E. H. Bloch:

Q Do you make a distinction between a bag that is torn and a bag that is whole?

Mr. Saypol: Don't I understand it is Mr. Bloch who has been making the distinction in this questioning of the witness?

Mr. E. H. Bloch: Well, I am asking him whether he is making the distinction.

Mr. Saypol: I desire——

Mr. E. H. Bloch: There seems to be some controversy about what this paper is.

Mr. Saypol: I shall try precisely to avoid interrupting anybody and I think consistently I have done that. I should make the objection, then, that this is a renewal of the cross-examination that has been indulged in immediately heretofore and should be stopped. I object to it.

The Court: I will allow it to continue for a little while.

Mr. E. H. Bloch: Would you kindly read the last question?

The Court: I was under the impression when we adjourned yesterday, Mr. Bloch, that you were going to try to shorten the cross-examination but I notice every time [fol. 919] we take a recess you seem to go back over the old field again.

Mr. A. Bloch: Your Honor, this cross-examination is going to be shortened.

The Court: He has covered the Jello situation and I thought had closed that, and he started this morning on the Jello situation again.

Mr. E. H. Bloch: That is right; the only reason I got into the brown paper situation is in connection with the color-blindness of this witness.

The Court: All right, go ahead.

Mr. E. H. Bloch: This is the last question on the subject.

(Question read.)

A. A bag that is what?

Q. Whole?

A. I did not know frankly where that piece of paper came from.

Q. Now, let us go to Government's Exhibits 4-A and 4-B. I believe you testified that one evening in the Rosenberg's house you wife, your sister and your brother-in-law Julius went into the kitchen and cut up a Jello box.

Mr. Saypol: Wouldn't it be better, if the Court please—would your Honor hear me—that any questions of this kind be from the record itself, with reference to the page?

[fol. 920] The Court: No, it will only delay it unduly.

Mr. E. H. Bloch: I am trying to shorten it.

The Court: Go ahead.

Q. Isn't that substantially what you testified with respect to the cutting up of the Jello box?

A. That is correct.

Q. And you remained in the living room?

A. I did.

Q. And I believe you testified that they came out and when they came out this side of the Jello box had been cut, as you illustrated on the witness stand?

A. That's right.

Q. And then those two pieces of paper as cut were then marked into evidence Government's Exhibit 4-A and 4-B, is that right?

A. That is right.

Q. Now who took possession of one of these pieces of paper?

The Court: Which one?

Mr. E. H. Bloch: Any one.

A. One——

Q. I will withdraw that. Did your wife—did your wife get one of these fragments or one of these parts?

The Court: Referring to 4-A and 4-B?

Mr. E. H. Bloch: Maybe he can identify just which one.

Q. Now, look at these two pieces (handing witness).

[fol. 921] A. My wife got that one (indicating).

The Court: Which one are you referring to?

Mr. E. H. Bloch: 4-A.

Q. Your wife received 4-A?
A. That's right.
Q. Now what did you see her do with Exhibit 4-A?
A. She put it in her wallet.
Q. And then after you left did you see Exhibit 4-A at your home in New York City?
A. I did.
Q. Did she pull it out of her wallet?
A. That's right.
Q. Did you look at Exhibit 4-A?
A. That's right.
Q. Did you examine it carefully?
A. I looked at it so that it was impinged upon my mind.
Q. Can you tell us what the printed matter on 4-A contained?
A. I cannot.
Q. That was in January, 1945, correct?
A. That's right.
Q. And then I believe you testified that around June 2, 1945 on a Sunday morning Gold came to your home in Albuquerque, New Mexico?
A. On a Sunday morning Gold came.
Q. On a Sunday morning, is that right?
A. That's right.
Q. And at that time you and Gold compared these two pieces, 4-A, which you had in your possession, and 4-B which he handed to you, and you put them together and [fol. 922] they fit—fitted?
A. That's right.
Q. Is that correct?
A. That's right.
Q. Now between January, 1945 and June 3, 1945 did you ever see Government's Exhibit 4-A in evidence?
A. The one I had seen, you mean, my exhibit?

Mr. E. H. Bloch: Would you mind reading back the question to the witness?

(Question read.)

Mr. Saypol: I think that requires a little clarification obviously.

A. Oh, I can answer that.

Mr. Saypol: Just a moment. I would prefer to address myself to the Court. 4-A is a replica; 4-B is replica. Neither were in existence. I think the question ought to be reframed so as to state more accurately what Mr. Bloch has in mind.

Mr. E. H. Bloch: Well, I will be very candid with your Honor. I cannot reframe it more simply and I would be very glad if your Honor will ask the question, if your Honor knows what I am after.

By the Court:

Q. Well you understand that 4-A and 4-B in evidence are not the exact——.

A. Of course.

Q. —portions of the Jello box which were used——

[fol. 923] A. That's right.

Q. —by the person who identified himself, to wit, Gold, and the portion which was retained by your wife.

A. That is right, I understand that.

Q. Very well. You cut up a Jello box right here in the courtroom?

A. That is right.

Q. You attempted to cut it in the same fashion which you believe it had been cut in January, 1945. All right, now proceed.

A. I saw it when my wife came out to see me to stay. I said, "Do you have it, the Jello side, I mean? You didn't forget" or anything like that and she showed it to me.

By Mr. E. H. Bloch:

Q. And when was this?

A. This was about the early part of spring, 1945.

Q. 1945?

A. Yes.

Q. And did you see what your wife did with the part of the Jello box which is marked Government's Exhibit 4-A in evidence? And when I say that, that is in accordance with what the Judge was just telling you about; of course it isn't the exact thing.

A. I realize it.

Q. That substantially identical piece of paper.
A. She put——
Q. Did you see what your wife did with it?
A. She put it back in her wallet.
[fol. 923-A] Q. In her wallet. Did you see—withdrawn. Did you look at that piece of paper when your wife took it out of her wallet, when she came to visit you in the spring of 1945?
A. I did.
[fol. 924] Q. Did you read it?
A. I did not read it.
Q. Did you see that piece of paper—and I am now referring to Government's Exhibit 4-A—at any time from the time you saw your wife put it in her wallet, in the spring of 1945, at your home in Albuquerque, until June, 3, 1945?
A. No.

Mr. E. H. Bloch: Will you bear with me for one second, your Honor?

Q. Did your wife ever have Government's Exhibit 4-A in evidence in her bag?
A. The wallet was in the bag.
Q. All right. You can't describe or tell us a single word that appeared on that side of the Jello box?

Mr. Cohn: Your Honor, we have had that.

Q. We are talking about Government's Exhibits 4-A and 4-B; is that your testimony?

Mr. Cohn: We have had that two or three times, your Honor.
Mr. E. H. Bloch: Well, I would like to——
The Court: He may answer.

A. I can't—I don't know what is on that.
Q. So that you really don't know, do you, whether or not this side, which is reflected in Government's Exhibits 4-A and 4-B, was similar to the side of the Jello box that you say was cut up in Rosenberg's house in January, 1944; isn't that correct?
[fol. 925] A. When I say "similar" I refer to the shape.

Q. Only the shape?
A. Only the shape, because——

By the Court:

Q. By "shape" do you refer to the method in which it was cut?
A. The method, that's right; that is what I mean, the shape and the method in which it was cut.
Q. You are not referring to the printing on that?
A. No.
Q. What you were going to do, you were going to fit the two ends together and if they fit, then you would be satisfied?
A. That's right.

By Mr. E. H. Bloch:

Q. Did you ever hear of the words "cocoanut Bavarian cream"?
A. Did I ever hear of the words? I have heard them around, sure.
Q. Did you ever hear of the words "cocoanut Bavarian cream" or do those words mean anything to you, with reference to the Jello box which you say was cut up in the Rosenberg house?
A. Doesn't mean anything to me.
Q. Now, Mr. Greenglass, will you tell us again the names of the scientists that you gave to your wife when she came out to visit you on November 29, 1944?
A. Kistiakowski, Oppenheimer and Bohr.

Mr. Cohn: Your Honor, there is one more thing. Mr. [fol. 926] Bloch said, "the names you gave your wife when she came out to visit you on November 29th"; that was the date of the anniversary. It was a five-day affair.
Mr. E. H. Bloch: Now, Mr. Cohn, I am going to examine him, please.
Mr. Cohn: Your Honor,——
The Court: I don't want any further discussion or any arguments on this.
Mr. Cohn: May I be heard on it?
The Court: No.

Q. You were on a five-day furlough, were you not?
A. That's right.
Q. How many days did you actually stay with your wife?
A. Probably the whole five days.
Q. All five days?
A. That's right.
Q. Starting from November 29th and for five days thereafter?
A. I don't know when it started.
Q. Well, did your wife—let me ask you this——

Mr. E. H. Bloch: I withdraw it.

Q. Is it your recollection now that you started to live with your wife at that Hotel in Albuquerque, New Mexico, the very day that your wife came into town?
A. I don't recall that either.
Q. Is it your testimony that you started to live with [fol. 927] her on November 29, 1944, at that period?
A. I don't recall that either.
Q. It wasn't after November 29th, was it?
A. It was maybe a day before and some days after.
Q. Well, now let me try to refresh your recollection——
The Court: Now, is that important?

Mr. E. H. Bloch: I think it is; it may be, your Honor.
The Court: If Mr. Cohn hadn't arisen on the question of the date of November 29th, you wouldn't have spent this time on it.
Mr. E. H. Bloch: I have got something specific in mind.
The Court: Go ahead.

Q. Your wedding anniversary was November 29th, was it not?
A. That is right.
Q. Now, does that refresh your recollection whether or not you saw your wife on November 29, 1944?
A. I saw my wife on November 29th.
Q. You saw her on the second anniversary, did you not?
A. That is right.
Q. When for the first time did you learn that Dr. Oppenheimer was at the Los Alamos Project?

A. I learned that almost the same week I had come out to Los Alamos.

Q. Now I ask you whether or not you were asked the [fol. 928] following question by Mr. Cohn and whether or not you gave the following answer on your direct examination. I am now referring to page 570.

The Court: Proceed.

Mr. E. H. Bloch: I am sorry, 594. Just one second. I think I am a little confused here. Will your Honor bear with me one second?

The Court: All right.

Mr. E. H. Bloch: I am going to withdraw that last question.

Q. When for the first time did you find out that Dr. Urey was connected with the Project?

A. It was in that interval before my wife came out.

Q. Did you tell your wife about Dr. Urey?

A. I believe I did tell my wife about Dr. Urey.

Q. Now, will you go to page 570, please?

Mr. Cohn: 570?

Mr. E. H. Bloch: Yes.

Q. I ask you whether you were asked the following questions and gave the following answers:

"Q. In addition to Mr. Baker whom you came to know as Neils Bohr and Dr. Oppenheimer, may I ask you specifically, did you know that Dr. Harold Urey was connected with the Manhattan project?

A. I did.

"Q. About what point after your arrival at Los Alamos [fol. 929] did you learn that fact?

A. Oh, it must have been about December or so".

Did you give a truthful answer there? Was that a truthful answer?

A. It was as truthful as I remembered at the time.

Mr. Saypol: Would you read the next question and answer too, Mr. Bloch?

Mr. E. H. Bloch: Certainly.

"The Court: When did you learn about Dr. Oppenheimer? I do not think you told us about that.

"The Witness: That was almost at the beginning of the time I was there".

Is that correct? So you knew almost from the beginning before your wife came that *that* Oppenheimer was on that Project, correct?

A. That is right.

Q. And Dr. Bohr was on that Project?

A. That is right.

Q. And Dr. Kistiakowski was on that Project?

A. Yes.

Q. Tell me, did you snoop around prior to the time your wife came out on November 29, 1944 to find out whether or not these top scientists were on the Project?

A. No, I did not.

Q. Mr. Greenglass, did you know the pseudonym of Dr. Klaus Fuchs at Los Alamos?

A. No, I did not.

[fol. 930] Q. Did you know Dr. Klaus Fuchs at Los Alamos?

A. No, I did not.

Q. Did you know that when Mr. Gold came out to Albuquerque, New Mexico on June 3, 1945 he also was going to visit Dr. Klaus Fuchs?

A. I did not know that.

Q. Did you find out about that afterwards?

A. I didn't know about it until I read it in the newspapers.

Q. When did you read it in the newspapers?

A. Sometime subsequent to his arrest.

Q. Was it before Harry Gold's arrest?

A. No, it was afterwards.

Q. Perhaps you don't understand me. Dr. Klaus Fuchs was arrested—we will clarify it.

A. I found out about it in February, 1950 when Julius Rosenberg told me about it.

Q. You found out about Dr. Fuchs' arrest?

A. No. I found out that Harry Gold came out——

Q. No, no, we are talking about——

Mr. Cohn: Your Honor, can't he finish his answer?

Q. I am talking about Dr. Klaus Fuchs.

The Court: Are you finished now?

Mr. E. H. Bloch: Yes.

The Court: Will you answer? You were going to say [fol. 931] something. Will you continue?

The Witness: I found out in February, 1950 when Rosenberg told me that Harry Gold was the same man who contacted me, contacted Klaus Fuchs.

Q. At that time you say you did not know that Gold had met Fuchs in or about the vicinity of Albuquerque, New Mexico on June 3, 1945, that same day that he met you?

A. I hadn't the slightest idea about it.

Q. When you were questioned by the FBI down here in the Federal Building in the evening of June 15, 1950, were you shown any pictures, any photographs?

A. I don't believe I was shown any at that time.

Q. Sure?

A. Pretty sure.

Q. Were you shown a photograph of Harry Gold?

A. I might have been. I don't recall it right now.

Q. Well, at some time were you shown a photograph of Harry Gold by the FBI?

A. Yes, I was.

Q. Did you recognize the picture?

A. I recognized it.

Q. And you identified the man in that photograph as Harry Gold, did you not?

A. That is right.

Q. Now, you told us about the incident in New York City during your furlough here in January, 1944 about Rosenbergs taking you to some place on First Avenue?

A. January, 1945.

[fol. 932] Q. January, 1945, I beg your pardon. Some place on First Avenue and you were in the car and then Rosenberg got out of the car and then some man got in the car and you drove around with him and then came back. Do you remember that incident?

A. I do.

Q. Were you shown any photographs by the FBI to identify the man that you saw in that car that night?

A. Yes, I was.

Q. And did you identify any of the photographs as resembling the man that you met that night on First Avenue?

A. I saw a lot of people resembling him but I couldn't definitely say any one was the man.

Q. All right. In other words, you couldn't identify any photograph as representing a picture of the man with whom you claim you drove around in January, 1945 in connection with the First Avenue incident that you have described, is that correct?

A. That is right.

Q. How long in all were you with this man in the automobile?

A. About 20 or 25 minutes. A little less I would say.

Q. Now, did you enter into any of the conversation?

A. I spoke, I interjected a remark, yes.

Q. And did you have an opportunity to look at him during that 20 or 25 minutes?

A. I had very little opportunity to look at him and I was busy driving. It was dark, it was late; there was no [fol. 933] light in the car. I had very—almost no clear view of the man at all.

Q. Now, as little as you might have looked at him, did you look at him?

A. I had seen him, yes—I looked at him in profile. When you drive a car—I looked at him and I saw his profile looking out at the streets.

Q. Did he have a hat on?

A. It seems as though he had a hat on.

Q. When you seemed as though he had a hat on, we want to know did he have a hat on? That is an easy thing to answer, isn't it?

A. He did have a hat on.

Q. Did he have an overcoat on?

A. He had a coat on.

Q. What?

A. He had a coat on.

Q. Did he have a muffler?

A. I didn't notice that.

Q. How many pictures in all were you shown by the FBI?

A. You mean——

Q. During the entire period of your interrogation by them?

A. I didn't count them. There was a good many.

Q. More than a dozen?

A. Oh, yes.

Q. More than two dozen?

A. I suppose so.

Q. And amongst the various photographs you were [fol. 934] shown you identified various people as people you had met, is that correct?

A. I identified some, yes.

Q. Were any photographs shown to you of some of the scientists who worked out at Los Alamos?

A. I don't believe there were any photographs of any of the scientists.

Q. Was a photograph of Dr. Klaus Fuchs shown to you by any of the representatives of the United States Government?

A. Yes, but not for identification. He had it on him and he showed it to me.

Q. He showed you what?

A. A picture of Dr. Fuchs.

Q. Did he say that that was Dr. Klaus Fuchs or were you—just let me finish the question—or did he ask you whether or not that was Dr. Klaus Fuchs?

A. When he showed it to me he said "Maybe you know this fellow"? I said, "Yes, I saw him in the paper".

Q. That was your answer?

A. That was my answer.

Q. When was that?

A. I don't know exactly when it was.

Q. Was that on your first interrogation?

A. No.

Q. Was that much later?

A. Yes, it was much later.

Q. Was that before or after you testified before the grand jury?

A. I can't tell.

Q. Now, when Gold came to you in Albuquerque on [fol. 935] June 3, 1945 you say he put down a sum of money in an envelope?

A. He handed it to me in my hand.

Q. Gave it to you in your hand?

A. Yes.

Q. And did you count it?

A. Not at that moment.

Q. When did you first count it?

A. After I left him, I went back and counted it.

Q. You mean after Gold left?

A. Yes.

Q. As a matter of fact, you testified I believe that the——

The Court: Did you want to say something further before you were broken off by Mr. Bloch again?

The Witness: I said after I left him at the USO he went on his way and I came back and counted the money.

Q. Then you came back to you house and counted the money?

A. Yes.

Q. With your wife?

A. With my wife.

Q. In what denominations was that money?

A. Twenties.

Q. All twenties?

A. All twenties.

Q. Did you count that money at any time while Gold was still in your house?

A. Not that I can recall.

Q. Did Gold mention to you the specific sum of money that was in that envelope at the time he handed it to you?

A. As far as I remember he handed me the envelope [fol. 936] and said, "Would that be enough", I said—I felt it and I said, "It would be plenty". That is the way I remember the conversation.

Q. You said, "Well, it will be plenty for the present"; is that right?

A. Yes.

Q. And you say that you didn't count that money?

A. No.

Q. You didn't know whether that was in one dollar bills, two dollar bills, five dollar bills, ten dollar bills, twenty dollar bills or hundred dollar bills, did you?

A. No. I felt that it——

Q. Now, twenty dollar bills——

Mr. E. H. Bloch: I am sorry, your Honor, it is very difficult to know when he is finished. I think he finishes and that is why I propound my next question. I just don't want the Court to blame me. If you were standing here, you would see what I mean.

Q. I am sorry, Mr. Greenglass, I don't want to interrupt you unless you have finished with the question.

A. (Continuing) I felt the envelope and it felt pretty thick to me and I didn't want to appear as though I am asking for more money, so I just said, "It will be enough".

Q. Now, were the twenty dollar bills new bills?

A. No, I don't believe they were.

[fol. 937] Q. How much are twenty into 500?

A. What is that?

Mr. Saypol: Is this a test?

Mr. E. H. Bloch: Yes, it is a test.

Mr. Saypol: I object to it.

Q. You divide 500 by 20?

The Court: Overruled.

Mr. Saypol: The jury would know the answer without testimony.

The Court: He wants to see now whether he knows mathematics.

A. 25 twenty dollar bills.

Q. 25 twenty dollar bills?

A. That's right.

Mr. Saypol: Will counsel concede that he passed the test?

Mr. E. H. Bloch: Yes, I think—well, I better not say.

The Court: No, you had better not.

Q. How thick would you say that envelope felt to you?

A. It had a nice solid feel.

Q. It had a nice solid what?
A. Feel.

Mr. E. H. Bloch: I didn't get that.
The Court: Feel.

Q. Oh, nice solid feel; you felt satisfied with that feel, didn't you?
A. It was good enough.
[fol. 938] Q. What?
A. It was good enough.
Q. Now, when do you say Rosenberg told you that he had hired a lawyer for himself?
A. It was on one of these visits to my house.
Q. What?
A. Well, I believe it was the visit where he took me down on one of the walks and told me he had hired a lawyer.
Q. Would it refresh your recollection if I told you that on direct examination you said it was on that May 23rd incident?

Mr. Saypol: That is not a proper way of refreshing it.
Mr. E. H. Bloch: All right, Mr. Saypol, I will do it, your Honor.
The Court: Does it refresh your recollection whether it was on that day?
The Witness: I believe I said that; I probably said that, yes.

Q. May 23, 1950, right?
A. That's right.
Q. Is that your testimony? Are you going to stick to that?
A. Is that what I said?
Q. No, is that your testimony?

The Court: No, not is that what you said. Just a moment. Read the testimony. He is apparently not certain.
[fol. 939] Mr. E. H. Bloch: He is not certain.
The Court: He is apparently not certain of the date.
Mr. Cohn: What page is that, Mr. Bloch?
Mr. E. H. Bloch: I think that was page 751.

The Court: You are covering a lot of dates here.
Mr. E. H. Bloch: Mr. Cohn, may I consult with you?
Mr. Cohn: Sure.

(Discussion at Government counsel table.)

Mr. Cohn: Your Honor, I think Mr. Bloch's point is, he is going to ask the question from page 751 about a conversation which took place at a certain time, and the time is apparently fixed back a number of pages before, and to avoid reading the whole business, Mr. Bloch wants me to agree that this conversation on 751, the witness testified he had with Rosenberg, was at a time named back on page 745 or 746. It appears to be that the witness' answer——

"Q. About when was that?

A. It was May 22nd or 23rd, something like that."

As far as I can see, 751 does relate to that period of time and I have no objection to Mr. Bloch going ahead and examining on the basis of page 751, with the understanding that the witness testified this conversation took [fol. 940] place May 22nd, May 23rd, in that vicinity. I think he fixed it by the date his wife had gotten out of the hospital.

By Mr. E. H. Bloch:

Q. I just want to ask you one question in that respect—two questions, I am sorry. Now, you were asked by Mr. Cohn the following question:

"Q. Did he say anything to you about a lawyer?" And the record shows that you gave the following answer:

"A. Earlier, up in the apartment, he said that he had gotten a lawyer himself, that I should get one but I never did get one."

Were you asked that question and did you give that answer?

A. I did.

Q. Now, I am going to ask you again, did Mr. Rosenberg tell you on May 23, 1950 that he had gotten a lawyer for himself?

A. He said he had gotten a lawyer.

Q. All right. Now, Mr. Greenglass, after you got out of the Army, you looked around to make a living for yourself and your wife, did you not?

A. That's right.

Q. At the time you got out of the Army, did your brother-in-law, Julius Rosenberg, have a business?

A. He had a business.

Q. And what was that business?

A. The business was called "Wholesalers and Re-
[fol. 941] tailers."

Q. And where was the office of that business?

A. At my mother's house; he used their phone.

Q. And he used your mother's house as the office headquarters?

A. That's right.

Q. And at your mother's house, telephone calls were received and telephone calls were made in connection with that business that Rosenberg carried on?

A. That's right.

Q. Did he have any stock?

A. It was some stuff they had bought.

Q. When you say "they" to whom do you refer?

A. He was in business with my brother Bernard and Izzy Goldstein.

Q. That wasn't the G. & R. Engineering Company, was it?

A. No, it wasn't.

Q. That was a predecessor concern; isn't that right?

A. That's right.

Q. And then there was some discussion in the family, was there not, about you going into that business?

A. Well, when I had come home on furlough earlier, it had been agreed that I would go into a business with these people.

Q. At any rate, prior to the time that you went into that business, you had discussed it among members of the family?

A. That's right.

[fol. 942] Q. And you finally came into the business, did you not?

A. That's right.

Q. And was that the business that was known as the G. & R. Engineering Company?

A. It was not.

Q. What was that business known as?

A. I just—United Wholesalers and Distributors, something like that.

Q. Did you have an office?

A. That was the same business, in the same place.

Q. Did your office remain the same, that is, in your mother's house?

A. That's right.

Q. When you say "your mother's house," you mean her living quarters, do you not?

A. That's right.

Q. Did there come a time when the four of you, that is, your brother Bernie, Izzy Goldstein, your brother-in-law Julius Rosenberg and you formed the firm known as the G. & R. Engineering Company?

A. That's right.

Q. When was that?

A. It was in April 1946.

Q. Did you then procure a separate office for that concern?

A. We got a place of business, yes.

Q. Where was that?

A. 200 East 2nd Street.

Q. Mr. Greenglass, keep your voice up, please. How long did the four of you continue in that G. & R. Engineering Company business?

A. Until the autumn of '47.

[fol. 943] Q. Did Izzy Goldstein remain as one of the partners during this period up to 1947?

A. He did.

Q. And then did there come a time when Izzy Goldstein went out of the business?

A. That's right.

Q. And then you remained with your brother Benny and your brother-in-law Julius, isn't that right?

A. I did.

Q. When was the Pitt Machine Products Co., Inc. formed?

A. In autumn, 1947.

Q. Do you remember the month?

A. Not very well—October, I believe it was.

Q. Do you remember when the certificate of incorporation was filed?

A. No, I don't.

Q. Do you remember when you signed the certificate of incorporation?

A. I remember signing it but the exact time I don't know.

Q. Now when the Pitt Machine Products Co., Inc. was formed, is not not a fact that the three of you needed capital?

A. That's right.

Q. And you found a man by the name of David Schein who was ready to invest money in that business, is that right?

A. That is correct.

Q. And did David Schein invest somewhere approximately $15,000. in that business?

A. He did.

Q. For which he received certain stock, is that [fol. 944] right?

A. That is correct.

Q. Do you know how much stock he received?

A. He received 25 per cent—25 shares common, and he received—well, it is almost like a mortgage.

Q. Preferred stock?

A. Preferred stock, yes.

Q. And how many shares did you receive?

A. 25.

Q. And how many shares did your brother Bernie receive?

A. 25.

Q. And how many shares did your brother-in-law, Julius, receive?

A. 25.

The Court: All are common?

The Witness: All are common.

The Court: The only one who got preferred was Schein?

The Witness: That is right.

Q. And was it a requirement that all checks had to be countersigned by David Schein?

A. That is correct.

Q. Were you an officer?

A. I was.

Q. What office did you hold?

A. Vice-president.

Q. And what office did your brother, Bernie, hold?

A. Treasurer.

Q. And what office did your brother-in-law, Julius Rosenberg, hold?

A. President. My brother was secretary, I believe, not treasurer. Schein was treasurer.

Q. Schein was treasurer; and you were the vice-presi-[fol. 945] dent?

A. That's right.

Q. And were you also elected to be a member of the board of directors?

A. I believe so.

Q. You know so, don't you?

A. I believe—I know so.

Q. Yes. Now did there come a time when the Pitt Machine Products Co., Inc. started to buy machinery and build up a machine plant?

A. We had bought a lot of machinery at G. & R. Engineering, and we had only bought one machine for Pitt Machine Company.

Q. Well, didn't the G. & R. Engineering Company move from its quarters on 2nd Street to 370 East Houston Street because it needed more space?

A. That is correct.

Q. And when you moved to 370 East Houston Street wasn't more machinery purchased?

A. One turret lathe and kick press, I believe it was.

Q. Now, up to the time of the formation of the Pitt Machine Products Co., Inc., did you borrow any money for your share of the business?

A. Did I borrow any money?

Q. Yes.

A. I had some money and I put it in, and I borrowed some money and put that in, too.

Q. And when did you borrow that other money that you put in?

A. I borrowed—I was—originally we were supposed to put $1,100. into the G. & R. Engineering Company, the four [fol. 946] of us, and I put in something close to that figure and——

Q. How much did your brother Bernie put in?

A. He put in—you see, while we had the United Wholesalers and Distributors——

Q. Speak up.

A. —My brother Bernie had tried to invest in another firm called Radar Fabrics, and he had gotten $5,000. from my relatives to invest in that firm. After he found that the other firm did not make out, they just dissolved the other firm and the $5,000. was brought over to G. & R. and invested in G. & R., and we bought machinery with that $5,000. On the basis of that, we bought quite a bit of machinery because the War Assets allowed us credit and——

Q. And—go ahead.

A. (Continuing) And we were obligated, that is, the firm, all of us, we had taken on the obligation of my brother's debt. Now not Goldstein but just me and my brother-in-law and Bernard.

Q. In other words——

A. In other words, we owed a third of that $5,000. which later on turned out to be $4,000. We got it down a little.

Q. In other words, your brother Bernie——

A. That——

Q. —went out out and borrowed $5,000. which eventually found itself coming into the business, and you and your [fol. 947] brother-in-law, Julius and Bernie agreed that each of you would be responsible for one-third of that debt, is that correct?

A. Yes.

Q. And did your brother Bernie borrow that money in part from your mother?

Mr. Saypol: I think the witness wanted to finish his answer. May he?

A. Yes, I would like to.

Q. All right, go ahead.

The Court: Yes, and I do hope that soon I will see the materiality of it.

Mr. E. H. Bloch: I am coming to it.

The Court: Because at this point I don't see it.

A. The money was borrowed while I was still in the Army. I had no knowledge that the money was going to be borrowed, but when I got out and went into the business I obligated myself for this money.

Q. All right.

The Court: Why don't you get to the point?

Mr. E. H. Bloch: I am. You see, the witness is giving long answers.

The Court: No, no, you give long questions.

Mr. E. H. Bloch: Well, long questions call for short answers.

The Court: I think that many of these questions aren't [fol. 948] called for.

Mr. E. H. Bloch: All right.

Q. Now, Mr. Greenglass, did there come a time when you stopped working for the Pitt Machine Products Co., Inc.?

A. I did.

Q. And when was that?

A. In August, 1949.

Q. And did you quit because the business was very bad?

A. I quit because business was poor.

Q. As a matter of fact, for a number of months prior to August, 1949, nobody, that is, your brother Bernie, your brother-in-law Julius, Schein or you, drew any salaries from that business?

A. That's correct.

Q. Now, while you were in business at 370 East Houston Street, did you have any quarrels with your brother-in-law, Julius?

A. Only business quarrels. It didn't amount to anything.

Q. Now let us find out. Julius was the outside man, was he not?

A. That's right.

Q. He was the one who went out and tried to get orders, right?

A. That's correct.

Q. You were in the machine shop?

A. That's right.

Q. Working on the machines?

A. That's right.

Q. And your brother, Bernie, was also in the machine shop?

A. That's correct.

Q. Working on the machines, and you had a number of [fol. 949] employees from time to time, did you not?

A. That's right.

Q. Now, weren't there repeated quarrels between you and Julius when Julius accused you of trying to be a boss and not working on machines?

A. There were quarrels of every type and every kind. I mean there was arguments over personality, there was arguments over money, there was arguments over the way the shop was run, there was arguments over the way the outside was run. It was quarrels, just business quarrels——

Q. Well, whether you call them——

The Court: Just a moment. He wasn't finished.

A. (Continuing) We remained as good friends in spite of the quarrels.

Q. When——

The Court: And you saw him in 1950 after that?

The Witness: I saw him after that.

The Court: Even after you left the business?

The Witness: That is right.

Q. You did not visit him very often, though, did you, during the years 1948 and 1949 and 1950?

A. No, I didn't.

Q. No; and when you say there were quarrels, you mean there were quarrels occasioned by the business?

A. There were quarrels occasioned by the business.

Q. Did you ever come to blows with Julius?

[fol. 950] A. No, I didn't.

Q. Do you remember an incident when you were sitting

in the corner candy store at Houston and Avenue D when your brother Bernie had to separate the both of you?

A. It slipped my mind.

Q. What slipped your mind?

A. I mean I didn't remember it.

Q. Do you remember it now?

A. I do.

Q. You don't?

A. I do.

Q. You do. Did you hit Julius?

A. I—I don't recall if I actually hit him.

The Court: Do you remember what occasioned that?

Q. Will you talk up now, please?

The Court: Just a moment.

Mr. E. H. Bloch: I cannot hear him back here.

The Court: Do you remember what occasioned that?

The Witness: I don't recall what—it was some violent quarrel over something in the business. I don't recall exactly what it was. As a matter of fact, I didn't even recall the fight until just this minute. I mean I didn't realize that I had——

The Court: Subsequent to that, had you patched things up?

The Witness: Certainly. We were very friendly after that.

[fol. 951] Q. Well, when you say you were very friendly, is it not a fact that continuously—I withdraw that—or with regularity, with regularity there were disagreements and quarrels between you and your brother-in-law, Julius, with relation to how that business should be conducted?

A. There were quarrels incidental to the business. It was not regular.

The Court: Well, when would you say these quarrels ceased?

The Witness: Well——

Mr. E. H. Bloch: If they ceased, your Honor—if they ceased.

The Witness: Well, I felt that certain things were wrong and he felt that certain things were wrong, and in spite

of this, when I wanted to get out of the business, I was—there was a quarrel over that, that they did not want me to go out of the business, and I still felt I should leave the business, so I left, all in good faith—I mean——

The Court: And after you left, were there any continued quarrels over the business?

The Witness: No.

Mr. E. H. Bloch: I cannot hear this. I would like to hear it, your Honor, and I am sure the jury would.

The Court: I am sure the jury heard it.

Mr. E. H. Bloch: I doubt it.

[fol. 952] The Court: They are shaking their heads.

Mr. E. H. Bloch: Well, I didn't.

The Court: The answer was "Yes"—the answer was "No".

The Witness: No.

The Court: There were no quarrels after you left the business?

The Witness: Well——

Q. No quarrels?

The Court: Just a moment, Mr. Bloch.

Mr. E. H. Bloch: I am sorry.

The Witness: Your Honor, there were some discussions about shares that I held in abeyance and wanted some return on. I asked for a note and Julius didn't want to give me a note. I mean we had some heated words about it but we still weren't at each other's throats about it.

The Court: Now, how many times—I will withdraw that. When did you leave the business?

The Witness: In August, 1949.

The Court: 1949. Did Julius come to your home after that?

The Witness: He did.

The Court: On any of these visits did you have any quarrels about the business.

[fol. 953] The Witness: Well, we had this quarrel over the shares but in the end the quarrel was that I would give him the shares, I mean even without the note. I wanted him to sign the note but I gave it to him without the note.

The Court: What kind of oath?
The Witness: A note.
The Court: Oh, a note.
The Witness: You know, if payment for it.

Q. Mr. Greenglass, the fact remains, does it not, that you went out of that business in August, 1949, and never got a nickle for your shares?
A. That's correct.
The Court: May we take a recess at this point?

Mr. Bloch, is it convenient for you now?
Mr. E. H. Bloch: Yes, I would appreciate it.
The Court: Very well.

(short recess.)

[fol. 954] Mr. A. Bloch: May counsel step up, your Honor?
The Court: Yes.

(The following took place at the bench:)

Mr. A. Bloch: I want you to realize, Judge, that I am having my son explore all the pertinent facts in order to save time. I am not going to cross-examine and I wanted him to cover all the topics.
The Court: Well, the point is this: you take a topic like this last one—and this is off the record.

(Discussion off the record.)

By Mr. E. H. Bloch:

Q. Now, Mr. Greenglass, did there then come a time after you stopped working for that business in August, 1949, that you assigned your stock in Pitt Machine Products Company, Inc.?
A. That is right.
Q. To whom did you assign that stock?
A. Julius Rosenberg.
Q. When did you assign that stock?
A. I assigned it in January, 1950 but I didn't give it to him until late April, I believe.
Q. And I show you this book, which is marked Stock

certificates, and ask you whether that was the stock certificate book of the Pitt Machine Products, Inc.?

A. That is right.

Q. And I direct your attention specifically to certificate [fol. 955] numbered 2 which certifies that you became the owner of 25 shares of the capital stock of that corporation on December 11, 1945.

Mr. Cohn: Your Honor, two things: No. 1, I think the exhibit should be marked for identification; No. 2, if it develops that the witness recognizes it and it has probative value I think it should be offered, and at that point questions propounded.

Mr. E. H. Bloch: I think you are absolutely right, Mr. Cohn. I am going to adopt your suggestion. I now offer as defendant's Exhibit for identification a stock certificate book of the Pitt Machine Products Company, Inc.

(Marked Defendant's Exhibit C for identification.)

Mr. Cohn: Are you offering it in evidence, Mr. Bloch?

Mr. E. H. Bloch: I just offered it for identification. I am following your federal practice.

Mr. Cohn: All right.

Q. I now show you Defendant's Exhibit C for identification and ask you whether or not there is——

Mr. Saypol: Wait just a minute, Mr. Bloch. I assume I know what Mr. Bloch has in mind. The proper method is by direct interrogation. If the answers are not responsive or satisfactory from the cross-examiner's point [fol. 956] of view, the usual method is by refreshing recollection. I don't think that this record, the main issue, the issue should be cluttered with these collateral matters if it can be avoided.

The Court: He hasn't offered it in evidence.

Mr. Saypol: He is reading from the contents.

The Court: He has asked the witness a question. Let us go ahead.

Mr. Saypol: If the Court please, I ask leave to be heard.

The Court: I heard you, Mr. Saypol. The point is very clear to me. You are saying that he should not show

it to him unless the witness needs it to refresh his recollection. I understaend perfectly the purpose of that.

Mr. Saypol: The preceding question as to which objection was made by Mr. Cohn was a summarization of the contents of the document and that is exactly what I am objecting to.

Mr. E. H. Bloch: If the Court please, I must concede that I am on the horns of a dilemma. On the one hand——

The Court: Don't argue the point.

Mr. E. H. Bloch: Mr. Saypol thinks the proper method——

[fol. 957] The Court: Don't argue the point. Rest assured if the time comes when you want to offer it in evidence I will deal with the question then.

By Mr. E. H. Bloch:

Q. I show you a certificate marked certificate No. 2, which is in this Defendant's Exhibit C for identification, and ask you whether or not you recognize that?

A. I do.

Q. And is your signature upon it? Withdrawn.

Q. Does your name appear on the face of the certificate?

A. It does.

Q. Does it appear on the face of the certificate that this certificate was issued to you December 11, 1947?

A. That is correct.

Q. And on the reverse side of the certificate is there your handwriting?

A. That is right. That is my signature.

Q. That is your signature?

A. Yes.

Q. And that indicates that you assigned this certificate to Julius Rosenberg on January 4, 1950?

A. That is right.

Q. And that is the fact?

A. I held it in abeyance.

Q. Did you have this certificate in your hand at or about January 4, 1950?

A. That is right.

[fol. 958] Q. Did you have the whole book?

A. No, sir. Just the certificate.

Q. Well, was the certificate torn out?

A. Yes.

Q. I really don't want to confuse you. But this certificate was torn out?

A. That is right.

Q. All right. Then you finally signed when did you say?

A. I signed it in January.

Q. Now you signed it in January?

A. That is right.

Q. Now, prior to the time that you signed it, did your brother-in-law, Julius, ask you to assign your certificate over to him?

A. I don't recall. I think he did.

Q. And wasn't there a discussion between you and your brother-in-law as to how much you were to receive for the assignment of that certificate?

A. That is correct.

Q. And you wanted money, did you not?

A. I did.

Q. And he refused to give you money, is that correct?

A. That is correct. I wanted $2,000. and he finally agreed that he would give me $1,000. and when my wife made out the note to him to sign, he didn't want to sign the $1,000. Note. He said his word is good enough and that he will pay me at such time when he will have the money [fol. 959] available.

Q. That was——

A. $1,000. is the only thing he wanted to pay me. $1,000.

Q. Was that subsequent to the time you had already physically endorsed this certificate, this promise that you say he made to you?

A. Yes, it was afterwards.

Q. Now, did there then come a time when he came around and asked you to resign as a director and as an officer of the corporation?

A. He did.

Q. When did he come around to ask you to do that?

A. I don't remember that exactly. I know that he did it.

[fol. 960] Q. Pardon me?

A. I know that I did it.

The Court: Excuse me. Did these directors of the company really direct? Do you understand my question?

The Witness: Are you asking——

The Court: Did you ever have a meeting of the board of directors?

The Witness: I don't believe we ever had a single meeting of the board of directors. We were all in the business, except for this David Schein, and there was my brother, myself and Julius, and we handled the business right there, at the level of the shop. We never had a directors' meeting at the time.

By Mr. E. H. Bloch:

Q. Now, David Schein was a stranger in this company, in a sense, isn't that right?

A. That is correct.

Q. And you three, Bernie, Julius and you were members of the same family unit, as it were, isn't that correct?

A. That's right.

Q. At any rate, there did come a time when Julius asked you to sign a written resignation as officer and director; isn't that right?

A. That is correct.

Q. And was that last year?

A. It was last year.

Q. How many times in all would you say he asked you to resign?

[fol. 961] A. I don't know. It was a number of times.

Q. He kept coming around your house, did he not, and he was asking for your signature on that resignation?

A. Yes.

Q. And you refused to sign it unless you got money; isn't that right?

A. That is correct.

Q. And how many months was that after Julius had promised to give you some money for your assignment of the stock?

A. I gave him the stock in the late April. I remember this because he came up to the house and at the same time he told me that I would have to leave the country, and——

Mr. E. H. Bloch: May I clarify the record? I am sorry, but I think everybody now is a little confused.

Mr. Saypol: Wait.

Mr. E. H. Bloch: Let's get it straight, Mr. Saypol. I want to know when he signed.

Mr. Saypol: You interrupted him. I have to interrupt you.

The Court: You see, you enter into a discussion with the witness; you get an answer and you say, "Just a moment, just a moment. Let's get this clear; everybody is confused". I am not confused at all.

Mr. E. H. Bloch: All right.

The Court: And I think that when you get an answer [fol. 962] you don't like, ask another question. Don't comment.

Mr. E. H. Bloch: It is not that I don't like the answer, your Honor.

The Court: All right.

Mr. E. H. Bloch: May I then ask two more questions?

Mr. Saypol: If you please.

Mr. E. H. Bloch: I am sorry.

Mr. Saypol: I rose because the witness was interrupted in the middle of his answer. Then counsel confessed his confusion. All I ask for is that there be no interruption.

The Court: All right.

By Mr. E. H. Bloch:

Q. Did you actually sign the assignment of your certificate of stock on January 4, 1950?

A. That is when I signed.

Q. And then you retained the physical possession of that certificate in January and in February and in March, and you did not turn it over to Julius until April?

A. That's right.

Q. Now, after you turned over this assignment of the certificate of stock did Julius then ask you to resign as an officer and a director?

A. I believe I had resigned even before that, and this was just that he was going to get the stock. I kept telling [fol. 963] him that the stock was in a safe deposit box and that I didn't have a chance to get it.

Q. Did you ever resign as an officer or director, in writing, up to April, 1950?

A. I don't know.

Q. Well——

A. I don't know. I know I resigned.

Q. Well, didn't Julius come around to you after April and say to you, "I want your written resignation"?

A. I got—you say "after April"; I don't know if it was before April, after April. I signed a written resignation.

Q. And you can't tell us when you signed that written resignation?

A. I can't tell you exactly when it was.

Q. Would it refresh your recollection——

A. (Continuing) Because, when he came around, he probably had—he was talking in terms of me leaving the country, and that stayed in my mind more than the business and the stocks and anything else.

Mr. E. H. Bloch: Now, I would like to offer as Defendant's Exhibit for identification just this one page. (exhibiting).

The Court: You are offering it in evidence?

Mr. E. H. Bloch: I am going to offer it in evidence, yes. [fol. 964] The Court: Oh, you are offering it for identification.

Mr. E. H. Bloch: Yes.

(Marked Defendant's Exhibit D for identification.)

Q. Now, I show you Defendant's Exhibit D for identification and ask you whether or not that doesn't refresh your recollection as to when you signed your resignation as director and officer of the Pitt Machine Products Co., Inc. (showing to witness)?

A. That refreshes my recollection.

The Court: What is that date?

Q. Is that your signature?

The Court: And what is that date?

The Witness: May 1, 1950.

The Court: Very well.

The Witness: Now that even refreshes it more. Now I know——

Mr. E. H. Bloch: Before it refreshes you more, may I offer it in evidence?

The Court: Just hold it a minute.

Mr. E. H. Bloch: All right.

The Court: What were you going to say?

The Witness: Now I know that I gave him the stock that same day. It was May 1st that he came to my house.

[fol. 965] Mr. E. H. Bloch: I now offer Defendant's Exhibit D for identification in evidence.

Mr. Cohn: Your Honor, I don't think the exhibit is at all relevant here.

Mr. E. H. Bloch: I object to any remarks unless this is on a question of law.

Mr. Cohn: I assume when I use the term "relevant" it is certainly a term of law, your Honor, and I don't make objections on any other basis, and I have refrained from making them frequently when I could, on the ground of law.

The Court: As a matter of fact, whether it is relevant or material as a matter of law is for the Court to determine.

I don't see anything of any value to that whatsoever. You have the answer from the witness; you have got your date; you have got a signature; you have the admission. It is purely cumulative.

Go ahead.

Mr. E. H. Bloch: Is the Court refusing to admit it?

The Court: That is right.

Mr. E. H. Bloch: I respectfully except.

The Court: That was D for identification?

Mr. E. H. Bloch: That is correct.

Q. Are you sure that it was May 1, 1950 that you signed [fol. 966] Defendant's Exhibit D for identification?

A. I believe so.

Q. Was it later?

A. No, it was not.

Q. Did you get any money when you signed that resig-

nation, reflected in Defendant's Exhibit D for identification?

A. I did not.

Q. How much money in all did you lose, of your own funds, in the Pitt Machine Products Co., Inc.?

Mr. Saypol: There has been no testimony about any loss. I don't know what counsel has in mind.

Mr. E. H. Bloch: I will withdraw the question.

The Court: If he did.

Mr. E. H. Bloch: I am trying to shorten it, your Honor.

The Court: Did you lose any money?

Mr. Saypol: Will your Honor allow me to make a statement on the record about one phase of this examination? I have allowed it to proceed in these aspects, even though it is patently direct testimony as to these phases. None of it was touched on direct, as far as the Government is concerned. Counsel has made this witness his own in these respects.

The Court: No, you are wrong, Mr. Saypol.

Mr. Saypol: Well, that is my view, and I desire to express it. I have refrained from objection and I want the [fol. 967] record to show my reason for not doing so.

The Court: Well, I take it he has got a different reason for asking these questions and I believe I know his reason, and for that reason I have permitted him to go along. I do think he has been unduly protracted on the subject matter, but it is proper cross-examination.

Mr. Saypol: With all great respect, I adhere to my view, and, of course, I defer to your Honor's, but I think the record, the nature of the case is such, that I should state my position.

The Court: Very well.

Mr. E. H. Bloch: I don't know whether there is a question before the witness?

The Court: Well, the question is, did you lose any money?

The Witness: I did lose money.

By Mr. E. H. Bloch:

Q. How much?

A. I lost all of the money I originally put into G. & R., plus subsequent loss of money in salaries that I did not get.

Q. And how much did that total, in your mind?

A. Well, I don't know.

Q. Approximately?

A. A few thousand dollars.

Q. Now, is it not a fact that you never recovered a single [fol. 968] penny of that money?

A. I never recovered a single penny of it.

Q. And is it not a fact, Mr. Greenglass, that after you were arrested and after you hired Mr. Rogge, you instructed Mr. Rogge to prosecute a claim against Julius Rosenberg for moneys, as a result of the Pitt Machine Products Co., Inc.?

The Court: You don't mean criminally prosecute, do you?

Mr. E. H. Bloch: No, no, I mean civil, civil.

A. I did.

Mr. E. H. Bloch: That is all, your Honor.

[fol. 969] The Court: Is there any further cross by any other counsel?

Mr. A. Bloch: I believe that my son has fully covered the subject.

The Court: Very well.

Mr. A. Bloch: And I refrain from continuing.

The Court: No cross.

Mr. Kuntz: No cross.

Mr. Cohn: Just a moment, your Honor. I don't know if I will have anything, if I do.

The Court: All right.

(Mr. Cohn confers with Mr. Saypol off the record.)

Redirect examination.

By Mr. Cohn:

Q. By the way, Mr. Greenglass, you told us that you are color blind, is that correct?

A. Yes.

Q. Can you nevertheless distinguish shadings and dark and light?

A. I can do that.

Mr. Cohn: We have nothing further.
The Court: Very well, you are excused.

(Witness excused.)

[fol. 970] The Clerk: Ruth Greenglass.

Ruth Greenglass, called as a witness on behalf of the Government, being first duly sworn, testified as follows:

Direct Examination.

By Mr. Kilsheimer:

Q. Now Mrs. Greenglass, will you keep your voice up so that all the members of the jury can hear you?
A. Yes.
Q. And also counsel can hear your voice. Where do you live, Mrs. Greenglass?
A. 265 Rivington Street.
Q. That is here in New York City?
A. Yes, Manhattan.
Q. And you are the wife of David Greenglass?
A. I am.
Q. Do you know that David Greenglass was named as a defendant in the indictment which is now on trial?
A. I do.
Q. And you know, do you not, that you are named as a co-conspirator but not as a defendant in that indictment?
A. Yes.
Q. Now how long have you been married to David Greenglass?
A. The past eight years.
Q. And do you have any children?
A. Yes, I have two children.
[fol. 971] Q. What are their ages, please?
A. I have a boy of four and a half and a girl of ten months old.
Q. Now will you tell us something about your education, Mrs. Greenglass, where you went to school?
A. I was graduated from Seward Park High School and I took some courses at night at Washington Irving.

Q. And Julius and Ethel Rosenberg, the defendants in this case, are your sister-in-law and brother-in-law, are they not?

A. Yes, they are.

Q. Now do you recall a time when your husband was inducted into the Army?

A. Yes.

Q. And when was that, approximately?

A. In April of 1943.

Q. And are you aware of the time when he was assigned to duty out in New Mexico?

A. Yes, I am.

Q. And when was that?

A. It was in the summer of 1944.

Q. Now I call your attention to the time in November of 1944. Were you at that time planning to go out and visit your husband in New Mexico?

A. Yes, I was.

Q. And what was to be the occasion for that visit?

A. I was going to see him to celebrate our second wedding anniversary.

Q. And on what date is your wedding anniversary?

A. November 29th.

[fol. 972] Q. And did you in fact go out to New Mexico in November, 1944?

A. I did.

Q. Now prior to the time that you—you were living in New York; that is a fact, is it not?

A. Yes.

Q. And prior to the time that you left New York to go to Nex Mexico did you have a conversation with the defendants Julius and Ethel Rosenberg?

A. Yes, I did.

Q. And where did that conversation take place?

A. At their home at 10 Monroe Street, Manhattan.

Q. And about what date did that conversation take place?

A. It was about the middle of November, 1944.

Q. And who was present at the time you had this conversation?

A. Julius and Ethel Rosenberg.

Q. And yourself?

A. And myself.

Q. Now will you state as best you can recollect, the substance of that conversation which you had with the Rosenbergs on that occasion?

A. Yes. Julius said that I might have noticed that for some time he and Ethel had not been actively pursuing any Communist Party activities, that they didn't buy the Daily Worker at the usual newsstand; that for two years he had been trying to get in touch with people who would assist him to be able to help the Russian people more directly other than just his membership in the Communist Party, and he went on to tell me that he knew that David [fol. 973] was working on the atomic bomb and I asked him how he knew, because I had received an affidavit from the War Department telling me——

Mr. E. H. Bloch: I move to strike out the "because".

The Court: All right, strike out "because".

Q. Just tell us what went on in the conversation.

A. I said that I had received an affidavit from the War Department telling me that my mail to David would be censored and his to me, because he was working on a top secret project.

The Court: Madam, could you sit back?

The Witness: Yes, I am sorry.

The Court: And just speak a little slower, please.

The Witness: Yes.

A. (Continued) And he said—I wanted to know how he knew what David was doing. He said that his friends had told him that David was working on the atomic bomb, and he went on to tell me that the atomic bomb was the most destructive weapon used so far, that it had dangerous radiation effects, that the United States and Britain were working on this project jointly and that he felt that the information should be shared with Russia, who was our ally at [fol. 974] the time, because if all nations had the information then one nation couldn't use the bomb as a threat against another. He said that he wanted me to tell my husband David that he should give information to Julius to be passed on to the Russians. And at first I objected to

this. I didn't think it was right. I said that the people who are in charge of the work on the bomb were in a better position to know whether the information should be shared or not.

Ethel Rosenberg said that I should at least tell it to David, that she felt that this was right for David, that he would want it, that I should give him the message and let him decide for himself, and by the—Julius and Ethel persuaded me to give my husband the message and they told me the information——

Mr. E. H. Bloch: I move to strike it out.

The Court: All right, strike out the word "persuaded".

As a result of this conversation you decided to give your husband——

The Witness: I decided to give my husband the message, and Julius Rosenberg told me the things that he wanted me to ask my husband, the information that he wanted me to bring back.

[fol. 975] Q. And what information did he ask you to obtain from your husband if he should be willing to do it?

A. He wanted a physical description of the project at Los Alamos, the approximate number of people employed, the names of some of the scientists who were working there—something about whether the place was camouflaged, what the security measures were and the relative distance of the project to Albuquerque and Santa Fe. Oh—and he told me—I am sorry—he told me also to tell David to be very circumspect not to indulge in any political conversations and to be very careful not to take any papers or sketches or blueprints, not to be obvious in seeking information, to relate to me only what he retained in his memory.

Q. And did you during the course of that conversation agree to relay this message, or did you tell the Rosenbergs whether you would relay this message to your husband?

A. I did.

Q. Now approximately what date did you leave New York to go out to Albuquerque?

A. About the 25th of November, 1944.

Q. Between the time of this conversation which you have just related in the middle of November, and the time that you left to go out to Albuquerque did you see Julius Rosenberg again?

A. Yes.

[fol. 976] Q. And do you recall where you saw him?

A. No, I don't recall where it was.

Q. Do you recall how long after the first conversation which you have related you saw him?

A. It was just a few days later—about two or three days after that.

Q. And what occur-ed on that occasion?

A. Julius gave me $150.

Q. Did he state what the purpose—why he was giving you the money?

A. Well, it was towards the expenses of my trip.

Q. And he told you that?

A. Yes.

Q. I see. Then you left New York at about the 24th or 25th of November to go out to Albuquerque?

A. Yes.

Q. And what means of conveyance did you use to go from New York to Albuquerque?

A. Pennsylvania Railroad.

Q. And when did you arrive at Albuquerque, New Mexico?

A. The 27th or 28th of November, 1944.

Q. And where did you stay during your stay in Albuquerque?

A. At the Hotel Franciscan.

Q. Did you during your stay out there meet your husband?

A. Yes.

Q. And where did you see him?

A. He came to the Hotel Franciscan to meet me.

[fol. 977] Q. And when did you see your husband for the first time, as best you can recall?

A. I think it was a day or two—it was a day after I arrived in Albuquerque.

Q. But was it prior to the date of your second anniversary?

A. Yes, it was.

Q. I see. Now did you have a conversation with your husband in relation to the prior conversation you had had in New York with Julius and Ethel Rosenberg?

A. Yes.

Q. And when did that conversation with your husband take place?

A. Towards the end of his pass.

Q. And how long a pass did he have?

A. I think it was five days.

Q. All right. Now where were you when you had this conversation?

A. We were walking on Route 66—that is, the outskirts of Albuquerque near the Rio Grand River.

Q. Will you state what you said to your husband and what your husband said to you on that occasion in relation to the prior conversation with the Rosenbergs?

Mr. E. H. Bloch: Of course, your Honor, I do not want to object and restate all the grounds; I have made them before.

The Court: To this particular conversation the objection is overruled.

[fol. 978] Q. Will you go ahead?

(Last question read.)

The Witness: Yes. I told my husband that I knew what he was working on, that he was working on the atomic bomb. He asked me how I knew and who had told me. I said that I had been to Julius Rosenberg's house and that he had told me that David's work was on the atomic bomb, and he asked me how Julius knew it and I told him of the conversation we had had, that Julius had said they spent two years getting in touch with people who would enable him to do work directly for the Russian people, that his friends, the Russians, had told him that the work was on the atomic bomb, that the bomb had dangerous radiation effects, that it was a very destructive weapon and that the scientific basis, the information on the bomb should be made available to Soviet Russia.

Q. Did you tell him what you said to the Rosenbergs when they had proposed this to you?

A. Yes. I told him that I had objected to it but that Ethel had told me that David would be interested, that he would want this, that this was right for him, and that I should at least tell him about it, and my husband did not give me an immediate answer; at first he, too, refused, and the following day he told me that he would consent to do this.

[fol. 979] Q. Now, did you inform your husband as to the type of information that Julius Rosenberg had asked you to obtain?

A. Yes, I did.

Q. What did you tell your husband in that respect?

By the Court:

Q. Was that on that first occasion there? Was that on the occasion of your walk with him on Route 66?

A. Yes. Yes, I told him that Julius was interested in the physical description of the project at Los Alamos, the approximate number of people employed there, whether the place was camouflaged, what the security measures were, and the type of work that David himself did, and then my husband gave me the information.

By Mr. Kilsheimer:

Q. When did he give you that information?

A. The following day after our conversation.

Q. Now, will you tell us as best you can recall what information your husband gave you on that following day?

A. Yes. He said that Los Alamos had formerly been a riding academy, that it was forty miles from Santa Fe and about 110 miles from Albuquerque, that the project itself was on the top of a hill and it was secluded; you could hardly see it until you were almost on top of it; that there was a guard at the entrance at all times, and everyone was checked going in and out. He told me the names of [fol. 980] the scientists, Dr. Urey, Dr. Oppenheimer, Kistiakowski, Neils Bohr. David told me that he worked in an experimental shop, that he made models from blueprints that scientists brought in to him.

Q. And did he tell you the approximate number of people who were working at Los Alamos?

A. Yes, he did.

Q. Do you remember now what figure he gave you on that?

A. No, I don't recall.

Q. Now, when your husband related this information to you, did you write it down or what did you do with it?

A. No. I memorized it. He told it to me and then I repeated it to make sure that I remembered all the details.

Q. Did you relate to your husband anything about what Rosenberg had said concerning the method for obtaining the information?

A. Yes.

Q. What did you tell him in that regard?

A. I told him that Julius wanted him to be very careful in getting the information, not to take any papers, not to take any blueprints, not to be obvious in seeking information from other people, and be careful not to get involved in political discussions.

Q. Now, after this period you were with your husband of approximately five days, did you return to New York?

A. Yes.

[fol. 981] Q. And approximately when did you arrive in New York City?

A. About the middle of the first week in December, 1944.

Q. After you arrived in New York City, did you see the defendant, Julius Rosenberg?

A. Yes. He came to my house on Stanton Street.

Q. Approximately when did he come to your house in relation to the time you came home?

A. About two or three days after I arrived.

Q. What was the address on Stanton Street to which Rosenberg came?

A. 266 Stanton Street in Manhattan.

Q. Did you have a conversation with Julius Rosenberg at that time?

A. Yes.

Q. Incidently, was he alone at the time he came up to your apartment?

A. Yes, he was.

Q. Will you state the conversation you had with Julius Rosenberg on that occasion in December, 1944, as best you can recall it?

A. I told him that David had consented to give him the information. He said that he was very pleased, and he asked me to tell him the information that David had sent through me. I repeated what David had told me for him and then he asked me to write it down for him. I wrote it down for him and he waited for the information.

Q. And did you give him the written information?

[fol. 982] A. Yes, I did, and I told him also that my husband was expecting a furlough very shortly afterwards.

Q. And did Rosenberg say anything when you informed him of that fact?

A. Yes. He said that he would see David when he came to New York and would talk to him more fully.

Q. Now, did your husband in fact come to New York shortly after this time?

A. Yes.

Q. Approximately when did he arrive in New York City?

A. On New Year's Day, 1945.

Q. You and your husband stayed at your apartment on Stanton Street?

A. Yes.

Q. Now, after your husband arrived in New York, did you see Julius Rosenberg?

A. Yes. He came to our house on Stanton Street.

Q. When in relation to the time that your husband came home did Rosenberg come to your house?

A. He came one morning two or three days after David had arrived in New York.

Q. It was in the morning?

A. Yes.

Q. Was there a conversation at that time?

A. Yes.

Q. Now, there was just you and your husband and Rosenberg present on that occasion, is that right?

A. Yes.

[fol. 983] Q. What was the conversation that took place in your home at that time?

A. Julius said that he was pleased that David had consented to give him information, and they had a technical discussion about David's work there.

Q. Did you overhear the technical discussion?

A. Yes, I heard it.

Q. Did you understand what they were talking about?

A. No.

Q. After this technical discussion, what was said?

A. Julius invited—Julius said he wanted David to write down any information for him that he had accumulated since I had been to New Mexico and the technical information that I was not able to bring back.

Q. Well now, did your husband write down that information?

A. Yes.

Q. When did he write down the information?

A. That evening of the day that Julius came.

Q. Then, when after your husband had written down the information did he return?

A. He came back the next morning.

Q. What took place? On that occasion he came back to your apartment, is that it?

A. Yes.

Q. What took place there?

A. My husband gave Julius the written information and Julius invited us to come to dinner at his house a few days [fol. 984] afterwards.

Q. Did you go to his house a few days afterwards?

A. Yes, we did.

Q. And who was present when you first arrived at the Rosenberg house a few nights after this conversation in the morning?

A. Julius and Ethel Rosenberg, their son, Ann Sidorovich, and my husband and myself.

Q. Before you go into that, had you had any discussion with Rosenberg prior to that evening concerning whether or not you planned to go to Albuquerque to live?

A. Yes.

Q. When did that discussion take place?

A. That took place in my house the first time that Julius came there.

Q. What was said about that?

A. Well, up until that time the wives of servicemen at Los Alamos were not permitted to live in Albuquerque, but during the time that——

Mr. E. H. Bloch: Is this what Rosenberg is alleged to have said, your Honor, or is this what this witness is alleged to have said?

Q. Did you have a conversation concerning your planned trip out to Albuquerque to live?

A. Yes.

The Court: Just tell us what that conversation was.

[fol. 985] The Witness: Yes. Julius Rosenberg said, "how would you like to go to Albuquerque to live"?

I said that I would be very happy to be near David, and he said, "You are going to go there". Well, we spoke about whether I was going to work there or not and he said that I would probably be able to find a job, but not to worry about the money.

Q. At the time that David gave the written note to Rosenberg in your apartment, was there anything said concerning David's handwriting?

A. Yes.

Q. And what was said?

A. When David gave Julius the handwritten note, I said that I hoped that Julius would be able to read it because David's handwriting was very difficult to understand. He said not to worry, that Ethel would type it, and she was quite used to his handwriting.

Q. You say when you got up to Julius's house for that dinner, Julius Rosenberg, Ethel Rosenberg and Ann Sidorovich were present?

A. Yes.

Q. Had you met Ann Sidorovich prior to that evening?

A. Yes.

Q. I show you Government's Exhibit 3 in evidence and ask you if you recognize the lady in that picture?

A. Yes.

Q. Who is that?

A. Ann Sidorovich.

[fol. 986] Q. Now, did Ann Sidorovich remain in the Rosenberg apartment for that entire evening?

A. No. She was there about a half hour.

Q. Then she left?

A. Yes.

Q. Now, while Ann Sidorovich was present in the apartment, was there a conversation between these five of you people?

A. No. Just the usual pleasantries and playing with the child and talk about ordinary things.

Q. Approximately, if you can recall, what time in the evening did you go up to the Rosenberg's apartment?

A. It was about four or five o'clock in the evening.

Q. Now, after Ann Sidorovich left did you have any conversation with the Rosenbergs concerning Ann Sidorovich?

A. Yes.

Q. What was said by whom?

A. Julius Rosenberg said that he had Ann Sidorovich come to his apartment just so that we would be able to recognize her and she know us when she came out to us to get information to bring back to him, and he spoke at first of tentative plans, that Ann Sidorovich would come to meet me in a theatre in Denver where we would exchange purses, and my purse would have in it the written information that David would give.

Q. Was Ann Sidorovich's husband mentioned during this [fol. 987] conversation?

A. Yes.

Q. What was said concerning him?

A. Well, I asked if her husband knew about what she was doing, and Julius said no, he didn't know, that he would not approve that Ann was it.

Q. During that evening did you have dinner in the Rosenbergs' apartment?

A. Yes.

Q. But Ann Sidorovich had left prior to that dinner, had she not?

A. That is right.

Q. Now, you say there was first mentioned something concerning the fact that Ann Sidorovich would meet you in Denver in a movie theatre, is that right?

A. Yes.

Q. Now, was that settled upon during the evening?
A. Yes.

Q. The place for meeting?
A. That is right, it was.

Q. What was said concerning the meeting place?

A. Well, after he suggested that tentative plan, Julius Rosenberg and my husband discussed the best possible meeting place in Albuquerque, and it was decided to meet in a specific Safeway store.

[fol. 988] Q. Do you know who suggested the Safeway Store?

A. Yes, my husband.

Q. Was it stated that Ann Sidorovich would definitely come out to see you?
A. No.

Q. What was stated concerning the person who would come out to see you?

A. Julius said, "either Ann" or someone else would be the "one to come to Albuquerque to meet you".

Q. What did you say when he said that?

A. Well, I asked him how would we know who the other party was, how would we be able to identify him.

Q. Tell me what occurred then?

A. Well, Julius took the side of a Jello box and cut it in an odd fashion and he gave me one half and he said "This half will be brought to you by another party and he will bear the greetings from me and you will know that I have sent him".

Q. Now, where were you when this Jello box was cut?
A. In their kitchen.

Q. Who was present in the kitchen at that time?
A. Julius and Ethel Rosenberg and myself.
The Court: Where was your husband?
The Witness: He was in the livingroom, out of view of the kitchen.

Q. Do you know which side of the Jello box was cut?
A. Yes, the "Instructions" side.

[fol. 989] Q. I show you Exhibit 4 in evidence and ask you if that resembles the Jello box which was cut in your

apartment—in Rosenberg's apartment in January, 1945 (handing)?

A. Yes, it does.

Q. I show you Government's Exhibit 4-A and 4-B in evidence, and ask you if that corresponds to the side of the Jello box which was cut (handing)?

A. Yes.

Q. In that apartment?

A. Yes.

Q. Now which piece of that cut side was given to you?

A. This side (exhibiting).

Mr. Kilsheimer: Your Honor, the witness is indicating Government's Exhibit 4-A.

Q. Who had the other piece of the Jello box side?

A. Julius held it in his hand.

Q. Now, after this box was cut in the kitchen, what was done with it?

A. Well, the three of us walked into the livingroom and I showed David the half of the Jello box and I told him that Julius had given this to me to identify me to the other party who was going to come to get the information.

Q. And what did David say at that time?

A. David said it was very clever; and Julius said "The simplest things are always clever".

Q. Now, after you had dinner in the Rosenbergs' apartment, was there a discussion between the four of you?

[fol. 990] A. Well, David and Julius had a technical discussion and Ethel and I were talking on the side.

Q. Do you know what David and Julius were talking about?

A. I remember hearing that they were talking about how the bomb was detonated.

Q. Do you remember any of the details of the conversation between Julius Rosenberg and your husband?

A. No.

Q. And you say that while they were talking about technical things, you and Ethel Rosenberg had a conversation?

A. Yes.

Q. What did you say to Ethel Rosenberg at that time?

A. Well, Ethel said that she was tired, and I asked her what she had been doing. She said she had been typing; and I asked her if she had found David's notes hard to distinguish. She said no, she was used to his handwriting. Then she said that Julie, too, was tired; that he was very busy; he ran around a good deal; that all his time and his energies were used in this thing; that was the most important thing to him; that he was away a good deal and spent time with his friends; that he had to make a good impression; that it sometimes cost him as much as $50. to $75. an evening to entertain his friends; and then we spoke further. I said that I expected to be very lonely in Albuquerque; and [fol. 991] Ethel said that I would make friends; that after a while I would probably meet other people there from New York.

Q. Now, was there any conversation at that time concerning whether or not you would work out in Albuquerque?

A. Yes; and the conversation was whether I was going to work before I went out to Albuquerque to live.

Q. Will you tell the Court and Jury what that conversation was?

A. Well, I said——

Mr. E. H. Bloch: Is this the same night?

Mr. Kilsheimer: Yes, this is the same night.

Q. This is on the same evening, is it not?

A. Yes.

Q. With whom were you talking?

A. With Julius and Ethel.

Q. All right. Now will you state the conversation concerning the fact whether or not you would work?

A. I said that I was worried, I had just lost my job and I didn't know how I was going to manage to live until David should find a place for me to live in Albuquerque; and Julius said not to worry about that, that he would take care of my expenses; the money was no object; the important thing was for me to go to Albuquerque to live.

[fol. 992] Q. Did he state anything about whether or not any money would be a loan or not?

A. No—yes, he did. He said that from then on we had

a different understanding; any money that he gave us was a gift; he was not lending it to us; there was no question of returning it.

Q. Incidentally, you told us that before you went out to Albuquerque in November, Julius Rosenberg gave you $150. Do you recall that?

A. Yes.

Q. Did you ever repay that money to Rosenberg?

A. No.

The Court: Did you ever ask Julius Rosenberg where the money was coming from?

The Witness: Yes, later on I did.

The Court: What did he tell you?

The Witness: From his friends.

The Court: Did he tell you who the friends were?

The Witness: Well, in another conversation he did.

The Court: Who did he say they were?

The Witness: The Russians.

The Court: Proceed.

By Mr. Kilsheimer:

Q. Now, did Julius say anything to your husband David [fol. 993] concerning the method by which he should obtain any further information?

A. Yes. He reiterated the same thing; said that David was to be very careful not to seem obvious in seeking information in conversations with other people; not to take—ever take any blueprints or sketches; just to observe what he saw and remember it, as best he could.

Q. Now, was it decided by the end of that dinner meeting where you would meet somebody in Albuquerque?

A. Yes.

Q. And what was the final place where you were to meet somebody in Albuquerque?

A. It was a Safeway store in Albuquerque, on Central Avenue.

Q. Was the date fixed at that time as to when somebody would come out to see you?

A. No.

Q. Now, after the dinner meeting at Rosenberg's house,

do you know whether your husband saw Julius Rosenberg on another occasion?

A. Yes.

Q. When did this other occasion take place?

A. It was a few days after the dinner party.

Q. What took place on that occasion—were you present when your husband met Rosenberg?

A. No, he told me about it when he came home.

Mr. A. Bloch: I object to what she was told.

The Court: He hasn't asked the question yet.

[fol. 994] Mr. A. Bloch: But she started to talk.

The Court: All she said was, "He told me about it when he came home".

Q. Did you see Rosenberg any more during your husband's furlough?

A. I don't recall it.

Q. When did your husband leave to go back to New Mexico?

A. It was toward the end of January, I think it was the 20th, 1945.

Q. When did you leave to join your husband out in New Mexico?

A. The last day in February, 1945.

Q. Now, between the time that your husband left, around the 20th of January, 1945, and the time that you left, the end of February, 1945, did you see Julius Rosenberg again?

A. Yes, he came to my house on Stanton Street.

Q. Who was present at the time when he came up to your house?

A. Myself and my sister, Dorothy Abel.

Q. What is your sister's name?

A. Dorothy Abel.

Q. Now, when was this, as best as you can recall?

A. It was about the first week in February.

Q. Do you recall what was said on that occasion?

A. Yes. Julius came in and we exchanged some conversation, and after a few minutes he asked my sister, Dorothy, to take a book and go into the bathroom; he said [fol. 995] he had something private to discuss with me.

Q. Did your sister do that?

A. Yes, she did.

Q. Incidentally, at that time your sister's name was not Abel, was it?

A. No.

Q. What was your sister's name at that time?

A. Dorothy Prince.

Q. Now, after your sister Dorothy left the room, did you have that conversation with Julius Rosenberg?

A. Yes.

Q. Incidentally, in what room of your apartment was it?

A. We were in the kitchen.

Q. What was the conversation that you had with Rosenberg at that time?

A. Julius told me that in April, the last week in April and the first week in May, I was to go to the store, the Safeway Store that had been designated, and someone would meet me there.

Q. Did he state for what purpose this person would meet you?

A. Yes, to come to get information from David to bring back to him.

Q. You say that you left New York around the end of February, 1945; is that correct?

A. Yes.

Q. When did you arrive in Albuquerque?

A. March 3, 1945.

Q. Where did you stay in Albuquerque during the time you were there?

A. Hotel El Fedel.

[fol. 996] Q. For how long a period of time did you stay there?

A. I stayed there about five days.

Q. Then where did you move to?

A. I stayed at another hotel, in the homes of friends, until I was able to find a permanent apartment.

Q. Where was this apartment that you found?

A. 209 North High Street in Albuquerque.

Q. When did you move into this apartment?

A. At the end of March, 1945.

Q. You said that back in New York, Julius Rosenberg

had told you that someone would meet you, either on the last Saturday in April or the first Saturday in May; is that correct?

A. Yes.

Q. Now, did you meet somebody in front of the Safeway Store on that occasion?

A. No.

Q. Will you state why you did not meet somebody there?

Mr. E. H. Bloch: I object to the form of the question.

The Court: Tell us what occurred that prevented you from meeting him.

Mr. Kilsheimer: I withdraw the question and will put it a different way, your Honor.

Q. Did you take sick some time in April?

A. Yes.

Q. And when in April did you take sick?

[fol. 997] A. On April 18th I had a miscarriage.

Q. Did you live at someone else's house while you were laid up?

A. Yes, I stayed at the home of a friend.

Q. Now, did you inform any member of your family concerning your illness?

A. Yes.

Q. And what did you——

Mr. E. H. Bloch: I move to strike out——

Mr. Kilsheimer: I will connect it up.

Q. By what method did you inform the family concerning your illness?

Mr. E. H. Bloch: Well, if the Court please, I object to this upon the ground that it is pure hearsay.

The Court: I assume it is going to be connected up.

Mr. Kilsheimer: I think the answer to this question will connect it directly, Mr. Bloch.

Mr. E. H. Bloch: You see, I am put in a position where I don't know.

The Court: Overruled.

Mr. E. H. Bloch: I respectfully except.

Q. Now, by what method was anybody informed concerning your illness?

A. I wrote Ethel a letter, telling her that I had had a miscarriage and was confined to bed.

[fol. 998] Q. Now, did you receive a response from Ethel Rosenberg—you meant Ethel Rosenberg, did you not?

A. Yes.

Q. Did you receive a response from Ethel Rosenberg in reply to your letter?

A. Yes, I received a letter from her the first week in May.

Q. Do you have that letter now?

A. No.

Q. Have you looked for that letter that you received from Ethel Rosenberg?

A. Yes, I have.

Q. Have you been able to locate it?

A. No.

Q. Now, as best you recall, what did that letter from Ethel Rosenberg state?

Mr. E. H. Bloch: I object to that, under the best evidence rule. I don't think all the prerequisites have yet been outlined, in order to warrant the introduction of secondary evidence.

The Court: What else do you want? She looked for the letter; she hasn't got the letter. She is giving her best recollection of what was contained in the letter.

Mr. E. H. Bloch: May I ask a voir dire question?

The Court: Go ahead.

By Mr. E. H. Bloch:

Q. Did you destroy that letter?

[fol. 999] A. I don't remember what happened to it.

Q. Did anybody else have it besides you?

A. No.

Q. When was the last time you saw that letter?

A. May, 1945.

Q. Did you have it around the house?

A. I have looked for it. I can't find it.

Q. Did your husband see that letter?

A. Yes.

Q. Are you in the habit of destroying mail?

A. Sometimes.

Q. Personal mail, social mail?

A. Sometimes. You can't keep everything you receive.

Q. I am not trying to draw any implications, Mrs. Greenglass, I just wanted to know the fact.

A. Sometimes I did.

Q. Would that refresh your recollection as to whether or not you destroyed that letter?

Mr. Saypol: Wouldn't it be better to frame the question "to keep the letter"? Then there wouldn't be any inference about destroying mail.

Mr. E. H. Bloch: That is what I am trying to get at.

Mr. Saypol: May I address the Court? All it needs is a simple question.

The Court: Proceed.

Mr. E. H. Bloch: I don't know whether she answered my [fol. 1000] last question, your Honor.

The Court: Do you remember whether you kept that letter or whether you destroyed it?

The Witness: I don't remember what happened to it.

Mr. E. H. Bloch: I renew my objection, your Honor.

The Court: Objection overruled.

Mr. E. H. Bloch: I respectfully except.

The Court: Go ahead.

[fol. 1001] Q. Now, will you state as best you can recall what the letter you received from Ethel Rosenberg said?

A. Ethel said that she was sympathetic about my illness and that a member of the family would come out to visit me the last weeks in May, the third and fourth Saturdays.

Q. After you received that letter, did you do anything in connection with the message you received in the letter?

A. Yes, I did.

Q. And what did you do?

A. On the third and fourth Saturdays in May I went in the middle of the afternoon to the designated Safeway store to meet someone.

Q. And did anybody go with you on either of these occasions?

A. The second time my husband went with me.

Q. Did you meet anybody in front of the Safeway store?

A. No, no one came.

Q. Did you have the part of the Jello box which you had received in Rosenbergs' apartment in January of 1950 with you when you went out to Albuquerque?

A. Yes, it was in my wallet.

Q. And you kept that in your wallet at all times?

A. I did.

Q. Now, did you——

The Court: Are you about to go to a new topic?

Mr. Kilsheimer: YEs, your Honor.

[fol. 1001a] The Court: We will recess at this point for lunch, ladies and gentlemen, until 2:20.

(recess to 2:20 o'clock p. m.)

[fol. 1002] AFTERNOON SESSION—2:20 P. M.

(Jury in box.)

RUTH GREENGLASS, resumed.

Direct examination continued.

By Mr. Kilsheimer:

Q. Mrs. Greenglass, going back for just one moment to the letter which you wrote to Ethel Rosenberg concerning your illness, did you mail that letter to Ethel Rosenberg?

A. Yes, I did.

Q. And the letter which you have described you received in reply, you received that by mail also?

A. Yes.

Q. Now, before the luncheon recess, I think we had reached a point where you said that you went on two successive Saturday afternoons to the Safeway Store; do you recall that?

A. Yes, I do.

Q. And you did not meet anybody at that point?

A. That's right.

Q. Do you recall what time in the afternoon it was that you went to the Safeway Store?

A. It was about 1:30.

Q. Did there come a time when somebody did come to see you in Albuquerque?

A. Yes.

Q. When was that?

A. On the first Sunday in June, 1945.

Q. Where were you at that time?

A. I was in our apartment on North High Street.

[fol. 1003] Q. At the time that this person came to see you, had you ever seen the person before?

A. Never.

Q. Was it a man or a lady?

A. It was a man.

Q. Do you now know who that man is?

A. Yes, I do.

Q. And who is he?

A. Harry Gold.

Q. I show you Government's Exhibit 5 and ask you if you recognize this picture (showing to witness)?

A. Yes.

Q. Who is it, please?

A. Harry Gold.

Mr. Kilsheimer: (Showing the witness Government's Exhibit 5).

Q. Who was present at your apartment at the time Harry Gold came?

A. My husband and myself.

Q. Will you tell me just what happened on that occasion?

A. Yes. We had just finished breakfast and someone knocked at the door. My husband opened it and he said he bore greetings from Julius. He came into the apartment and——

Q. Just a moment. Let me interrupt you. Who said he bore greetings from Julius?

A. The man who knocked on the door.

A. Who is now known as Harry Gold?

A. Yes.

Q. All right.

A. He came into the apartment and he produced half the Jello box side. Then my husband went to my wallet and got

[fol. 1004] the other half and they matched them and they fit.

Q. Where was the last time that you had seen the portion of the Jello box side which Harry Gold produced?

A. In Julius Rosenberg's hand.

Q. When was that?

A. On the night of the dinner in November—in January, I am sorry, 1945.

Q. January of 1945?

A. Yes.

Q. You say the two pieces matched?

A. They did.

Q. And the piece which your husband took from your wallet, was that the piece which you had received from Julius Rosenberg on the night of the dinner, in January, 1945?

A. Yes, it was.

Q. Now, what occurred after the matching of the two pieces of the Jello box side?

A. Harry Gold asked my husband if he had the information ready for him, and he said he did not.

Q. Who said he did not?

A. My husband, David. He said he would have to write it down for him. Then Harry Gold said he would come back for it later in the afternoon.

Q. For what length of time was Harry Gold in your apartment on that Sunday morning?

A. About 10 or 15 minutes.

Q. And you said, did you not, that this was the first Sunday in June?

A. Yes, it was.

[fol. 1005] Q. Then did Harry Gold leave your apartment?

A. He did.

Q. What occurred after Harry Gold left?

A. My husband wrote out the information that he had accumulated to send to Julius.

Q. And do you know approximately how many sheets of paper your husband wrote on?

A. Six or seven papers.

Q. Did you see any of that information?

A. I might have looked at it.

Q. Do you know what was contained on those papers?

A. No.

Q. Did Harry Gold return in the afternoon as he said he would?

A. Yes, he did.

Q. What time in the afternoon did he arrive?

A. It was about 2 or 3 o'clock.

Q. Will you tell me who was present when Harry Gold returned?

A. My husband and myself.

Q. What occurred on that occasion in the afternoon?

A. David gave him the written sheets of information and we all spoke for a few minutes and we went out for a walk.

Q. Did Harry Gold give anything to either you or your husband?

A. Yes, he gave David a white envelope that was sealed.

[fol. 1006] Q. It was sealed.

A. Yes.

Q. Then you went out for a walk?

A. Yes.

Q. Where did you walk to?

A. We walked back of the house to the USO.

Q. Was that the three of you walked down there?

A. Yes.

Q. What occurred when you arrived at the USO, that is the Albuquerque USO?

A. That is right. Harry Gold went on and David and I went into the USO.

Q. Harry Gold did not go into the USO with you?

A. No, he did not go.

Q. All right, then after you went into the USO what occurred?

A. We stayed for just a few minutes and then we went back to our apartment.

Q. And when you arrived in your apartment, what did you do?

A. David opened the envelope and he found $500.

Q. Now, what happe--d to that $500.?

A. David gave the money to me and on the next day I deposited $400. in the Albuquerque Trust & Savings Bank

and I bought a defense bond for $50. and the rest I used for household expenses.

Q. Now, did you continue to live out in Albuquerque after this incident in June of 1945?

A. Yes.

Q. Now I call your attention to——

[fol. 1007] The Court: Let me get this clear. You bought a $50. defense bond?

The Witness: Yes.

The Court: For which you paid——

The Witness: Thirty-seven fifty.

The Court: All right.

Q. And then $400. you put in the bank?

A. That's right.

Q. Now, I call your attention to September of 1945; do you recall that in that month David received a furlough from the Army?

A. Yes.

Q. And what did you and David do on that furlough—I mean where did you go?

A. We came to New York and we stayed at my mother-in-law's house, 64 Sheriff Street.

Q. Now did you see Julius Rosenberg during that furlough?

A. Yes.

Q. When did you see him for the first time?

A. The very day after we came to New York, he came to our house.

Q. And what time of day did he come?

A. It was morning, he woke us.

Q. Now, will you tell me what happened on that occasion at your place at 64 Sheriff Street?

A. Julius and David went into the back bedroom and they had a discussion for a few minutes and they came out. [fol. 1008] I was present at the time, and Julius told David that he wanted him to write out the information for him immediately and bring it to his house.

Q. Did you hear the discussion which your husband David and Julius Rosenberg had in the back bedroom?

A. No.

Q. You were not present in the room?

A. No, I wasn't.

Q. Then did Rosenberg leave after he asked David to write this information down?

A. Yes.

Q. And what occurred after Rosenberg left your house?

A. My husband and I had an argument over it. I didn't want him to give——

Mr. E. H. Bloch: I move to strike that out.

The Court: Strike out the "argument".

Q. What did you do? Don't tell us about the argument.

A. I am sorry. My husband and I spoke about it. I did not want him to give the information to Julius. The bomb had already been dropped on Hiroshima and I realized exactly what it was and I didn't feel that the information should be passed on. However, David said that he was going to give it to him again, and before he wrote out the information we went down to eat first.

Q. And where did you go to eat?

A. In my mother-in-law's house.

Q. That is also at 64 Sheriff Street?

A. Yes.

[fol. 1009] Q. Is that right?

A. Yes.

Q. Then after you ate what happened?

A. David wrote out the information and as soon as it was all done he and I went over to Julius and Ethel's apartment at 10 Monroe Street.

Q. Where——

Mr. E. H. Bloch: We cannot hear it.

Q. Will you keep your voice up, Mrs. Greenglass, so that counsel can hear you.

A. I am sorry.

Mr. E. H. Bloch: Before you proceed with the next question, just to protect the record, your Honor, I am objecting to any conversation between this witness and her husband outside of the presence of the Rosenbergs.

The Court: Overruled.

Mr. E. H. Bloch: I respectfully except.

Q. I don't know whether you answered it or not. Where were you when David was writing up the information?

A. I was both in the apartment and downstairs at my mother-in-law's. I went up and down.

Q. Where was David when he actually did the writing?

A. He was in the upstairs apartment at 64 Sheriff Street.

Q. Then you said you went over to the Rosenbergs' house at 10 Monroe Street?

A. Yes, we did.

Q. And about what time of day did you arrive at the [fol. 1010] Rosenberg's house?

A. It was in the middle of the afternoon.

Q. And who was present when you arrived at the Rosenbergs' house?

A. Julius and Ethel Rosenberg and their son, my husband and myself.

Q. Now what occurred in the Rosenbergs apartment on that afternoon in September of 1945?

A. David gave Julius the written information. Julius said he was very pleased to get it and he went into another room to read it over, and after he wrote it he said this had to be gotten out immediately and he wanted Ethel to type it right away.

The Court: After he wrote it?

The Witness: After he read it, I am sorry——

A. (Continuing) And Ethel got out a typewriter and sat down to work on the notes.

Q. On what type of a typewriter was it? I mean, was it a standard model or a portable model or what?

A. It was a portable—I believe it was a Remington.

Q. And where was the typewriter placed?

A. On the bridge table.

Q. All right. Now what occurred after the typewriter was placed on the bridge table?

A. Well, Ethel was typing the notes and David was helping her when she couldn't make out his handwriting and [fol. 1011] explained the technical terms and spelled them out for her, and Julius and I helped her with the phraseology when it got a little too lengthy, wordy.

Q. And approximately how long, do you recall, did it take to type up all this information?

A. I don't recall that.

Q. Do you recall the substance of what was in the notes which were being typed, being read?

A. No, I do not.

Q. Now do you know what happened to the notes which David had brought, notes in his own handwriting?

A. Yes, I do.

Q. What was done to them?

A. Julius burned the notes in the kitchen and then he flushed the ashes in the bowl.

Q. Now while you were home in New York during this furlough in September of 1945 did you receive any money?

A. Yes, we did.

Q. And from whom did you receive the money?

A. Julius Rosenberg gave my husband $200.

Q. And what did your husband do with that money?

A. He gave it to me.

Q. Were you present when Rosenberg gave him the money?

A. I don't recall.

Q. Now, after the furlough was completed where did [fol. 1012] you and your husband go?

A. We went back to Albuquerque.

Q. And for what length of time did you remain in Albuquerque?

A. Until the first week of March, after his discharge when we came back to New York.

Q. Now let me go back for just one moment. While Ethel Rosenberg was typing the notes was anything done in the room with respect to the equipment in the room, do you recall?

A. No, I don't.

Q. After David was released from the Army, at the end of February 1946, I believe you said it was?

A. Yes.

Q. (Continuing) Where did you go?

A. We came back to New York.

Q. And where did you stay when you returned to New York?

A. We stayed at his aunt's apartment at 64 Sheriff Street.

Q. And did you stay any place else?

A. Yes. For a period of about 10 days we stayed in Julius and Ethel's apartment at 10 Monroe Street.

Q. Was anything said in connection with your staying at that apartment?

A. Yes.

Q. At 10 Monroe Street?

A. Yes. They were going away and they said that they wanted us to stay at their apartment in case any important mail or telephone calls were to be received.

[fol. 1013] Q. And did you stay in their apartment for that period of about 10 days?

A. We did.

Q. And then when did you move to your apartment on Rivington Street where you went to live?

A. I think it was the first week in May 1946.

Q. Now, from time to time during the years 1946, 1947 and 1948 did you and your husband visit the Rosenbergs at their apartment?

A. Very infrequently.

Mr. A. Bloch: What is the answer?

(Answer read.)

Q. But you did visit them from time to time?

A. Yes.

Q. Now, on any of those visits did you notice any particular piece of furniture in the Rosenberg apartment?

A. —.

Q. When was this, as best you can recall?

A. I think it was 1946.

Q. And what piece of furniture did you notice?

A. Mahogany console table.

Q. Did you have a conversation with the Rosenbergs concerning that table?

A. Yes, I did.

Q. And was your husband also present?

A. I think he was, yes.

Q. Now will you tell us what that conversation was in connection with this console table as best you can recall it?

A. I admired the table and I asked Ethel when she bought [fol. 1014] a new piece of furniture; she said she had not bought it, she had gotten it as a gift and I said it was a

very nice gift to get from a friend, and Julius said it was from his friend and it was a special kind of table, and he turned the table on its side to show us why it was so special.

Q. And what did he show you when he turned the table on its side?

A. There was a portion of the table that was hollowed out for a lamp to fit underneath it so that the table could be used for photograph purposes, and he said when he used the table he darkened the room so that there would be no other light and he wouldn't be obvious to anyone looking in.

Q. And did Julius Rosenberg tell you what he photographed using the table?

A. Yes. He took pictures on microfilm of the typewritten notes.

Q. Now shortly after you returned to New York, after David's discharge from the Army, did you have a conversation with Julius Rosenberg concerning the fact that David had left work at Los Alamos?

A. Yes.

Q. Now where did that conversation take place?

A. I think it was in my mother-in-law's house on Sheriff Street.

Q. Can you fix the time of this conversation as best you can recall?

[fol. 1015] A. It was after we were in New York about two or three weeks, I think.

Q. Now what was the conversation that you had—strike that; withdraw that.

Who was present during that conversation?

A. David and Julius Rosenberg and myself.

Q. Now what was said on that occasion?

A. David mentioned that he had been offered a job to return to Los Alamos as a civilian at a very nice salary, and Julius asked him if he had accepted and David said, "No", and Julius said that he was very displeased, that David should have continued to stay there because he would have access to valuable information.

[fol. 1016] Q. What did David say, if anything, to that?

A. David said that he did not want to go back and he was no longer interested in furnishing the information.

Q. Do you recall any conversation that you had with Julius Rosenberg concerning education?

A. Yes.

Q. Did you have more than one conversation on this subject?

A. We had several.

Q. When did these conversations take place?

A. Intermittently, from 1946 to 1949.

Q. Do you remember where you had these conversations?

A. They were usually in my house.

Q. Without telling me yet what the conversations were, were they along the general line where this subject was mentioned?

A. Yes.

Q. Will you tell us what was said concerning education?

A. Julius wanted David to go to school, to get a complete college education. He said that David could go during the day, so that he could really be able to apply himself. He wanted David to study nuclear fission. We stalled him with one excuse or another; said it was a question of money; we had a child to take care of. He said money was not the question involved, that if we needed $75. a week or a hundred dollars a week to live on, we would get it; that he always took care that the students got their expenses first; that it was the most important thing as far as the Russians [fol. 1017] were concerned.

Q. Did Julius Rosenberg tell you where he got the money, the $75. or $100. a week, if it were needed?

A. From the Russians.

Q. Do you recall what occupation your husband followed after he came back from the Army?

A. He was a machinist.

Q. With whom did he work?

A. He went into business right after his discharge.

Q. With whom?

A. With Julius Rosenberg, with his brother Bernard and with a fourth partner, Isidore Goldstein.

Q. What was the name of the business that he went into?

A. G. & R. Engineering Company.

Q. Did there come a time when that business changed its name?

A. It changed its name and the fourth partner.

Q. When was that?

A. It was, I believe, in the fall of 1947.

Q. What did the name of the business become at that time?

A. Pitt Machine Products, Incorporated.

Q. And for what length of time did David remain with that company?

A. Until the summer of 1949.

Q. Then where did he go to work?

[fol. 1018] A. He went to work for the Arma Corporation.

Q. That was in Brooklyn?

A. Yes.

Q. Now, coming up to the year 1950, do you recall a conversation with Julius Rosenberg concerning whether or not you should leave the country?

A. Yes.

Q. Where was the first conversation, that you recall, on this subject, when you were present?

Mr. E. H. Bloch: Will you fix the time?

Mr. Kilsheimer: I will.

A. It was on May 24, 1950, in my house on Rivington Street.

Q. Who was present on that occasion?

A. Julius, my husband, my two children and myself.

Q. Will you tell us the conversation that was had at that time?

A. Yes. Julius came in with a copy of the Herald-Tribune of that morning and it had a great big picture in it of Harry Gold, and he said, "This is the man who came to you in Albuquerque"; and David and I said it was not, we didn't recognize him; and he said, "You can take my word for it, this is the man who came". He said, "You will be the next to be picked up".

Q. To whom did he say that?

A. To David. He said, "The next arrest will probably take place between June 12th and June 16th; you have to get out of the country before then".

[fol. 1019] Q. What did you say when Rosenberg told you that you would have to leave the country?

A. I said, "We can't go anywhere. We have a 10-day old infant"; and Julius said, "Your baby won't die. Babies are born on the ocean and on trains every day". He said, "My doctor said if you take enough canned milk and boil the water, the baby will be all right".

Q. Did Julius Rosenberg tell you where you should go?

A. Yes.

Q. Where did he tell you that you should go to?

A. To the Soviet Union.

Q. Was anything else said concerning arrangements for leaving?

A. Yes. He gave my husband a thousand dollars. He said, "Buy everything you need. Don't be too obvious in your spending. You have a month to spend it in, and I will bring you more". He said, "Leave all your household effects. Just take your clothing and what you need for the children and leave".

Q. Was anything else said concerning arrangements for leaving?

A. Yes. Julius asked me if I could get a certificate from the doctor, stating that we had all been inoculated against smallpox. I said that I would not ask the doctor for a falsified statement. He said, "That is all right, I will take care of it. My doctor will give it to me".

[fol. 1020] Q. After this conversation what happened?

A. He asked David to go down with him for a walk. He said he had something further to talk to him about; and David and he left.

Q. What did you do with the——

By the Court:

Q. Was there any discussion at that time as to the means that you would use to get to the Soviet Union?

A. Well, when he and David went for a walk, he outlined a plan for David to leave.

Q. He didn't do that in your presence?

A. No. Then David came back and told me about it.

By Mr. Kilsheimer:

Q. Concerning the thousand dollars which Rosenberg gave you on that day, what did you do with that thousand dollars?

A. We put it in a metal closet and we used it to pay household debts and expenses.

Q. Was any part of that money put in the bank?

A. Yes, $500. deposited in the Manufacturers Trust Company.

Q. Incidentally, when was your baby born in May of last year?

A. May 16, 1950.

Q. For what length of time were you in the hospital after you had the baby?

A. I was in the hospital six days after the baby was born. [fol. 1021] Q. After David and Julius Rosenberg had the walk, went for a walk that afternoon, did you do anything with respect to leaving the country?

A. No. We never intended to leave.

Mr. E. H. Bloch: I move to strike out the latter part of the answer.

The Court: I will strike out that part of it.

Q. Did there come a time when you had some pictures taken?

A. Yes.

Q. When was that as far as you can recollect?

A. May 28, 1950.

Q. For what purpose were those pictures taken?

A. For passports to give to Julius so that he would think we were leaving.

Mr. E. H. Bloch: I move to strike out "so that he would think we were leaving".

By the Court:

Q. The pictures were taken for passports?

A. Yes.

Q. Did Julius ask you to take those pictures?

A. Yes.

Q. Did he ask you to turn the pictures over to him?

A. He did.
Q. Do you remember how many sets he said he wanted?
A. Yes.
Q. How many sets?
[fol. 1022] A. He wanted five sets, five photos.
Q. Did he tell you why he wanted the pictures?
A. Yes.
Q. For what purpose?
A. For passports.

Mr. E. H. Bloch: If your Honor please, there is a motion before you.

The Court: Yes. Those words "so that he would think" are stricken.

Mr. Saypol: May I be heard on that for a moment?

The Court: No, no.

Mr. Saypol: Presumably that is the conversation, if your Honor please.

The Court: That is not a conversation, so that he would think.

Mr. Saypol: It can be cleared up.

The Court: I think it is perfectly clear by my question. That was the purpose of my question.

By Mr. Kilsheimer:

Q. I show you Government's Exhibits 9-A and 9-B and ask you if you recognize thos- pictures?
A. Yes.
Q. Are those copies of the passport pictures which you had taken?
A. Yes, they are.
Q. How many sets of pictures did you have taken?
A. Six sets.
[fol. 1023] Q. What did you do with those six sets?
A. We gave five to Julius and I gave the sixth set to the FBI.
Q. When was the subject of your leaving the country again raised between yourselves and Julius Rosenberg?
A. He came on Memorial Day to pick up the pictures from my husband and he told him to get ready to leave.
Q. Then when did you after Memorial Day see Rosenberg again?

A. He came on June 4th to our house.

Q. Now what took place at that time?

A. He gave my husband a package wrapped in brown paper and he said it was $4000., that there would be more money available in Mexico when we got there.

Q. What did you do with the $4,000.?

A. We put it in the chimney in our fireplace and afterwards my husband gave it to my brother-in-law.

Q. Did Rosenberg on that occasion tell you when you would have to leave the country?

A. He told us that we would have to leave sooner than expected, that they were closing in and getting ready to make an arrest.

Q. Now, did you see Rosenberg after June 4th?

A. Yes.

The Court: Excuse me.

[fol. 1024] By the Court:

Q. Did you ask him on that occasion anything about what he intended to do? Whether he intended to leave the country?

A. Yes.

Q. When was that? That day or——

A. On May 24th.

Q. On May 24th?

A. Yes.

Q. Just what did you say to him and what did he say to you?

A. I asked him what he was doing. He said he was going too, that he would not leave at the same time, and he would meet us in Mexico. We would see him there, and I asked him what Ethel thought about it and he said Ethel didn't like the idea of it herself but she realized it was necessary and they were going to go.

By Mr. Kilsheimer:

Q. Now after that time you saw Rosenberg on the 4th of June did you see him again?

A. Yes.

Q. When did you see him on the next occasion?

A. About three days later.

Q. And where did you see him?

A. He came to our house.

Q. And what occurred on that occasion?

A. He came and spoke in whispers. He said he thought he was being followed and that he was going to bring $2000. more but he didn't because he was being extra careful.

Q. Now, do you know when your husband David was [fol. 1025] arrested by the Federal officers?

A. Yes.

Q. Approximately when was that?

A. About the middle of June, 1950.

Q. After your husband was arrested did you see Ethel Rosenberg?

A. Yes.

Q. When did you see her?

A. In the middle of July 1950.

Q. And where did you see her on that occasion?

A. She came to my mother-in-law's house to see me.

Q. Will you tell me what occurred on that occasion?

A. Yes. Ethel came with pie for me and gifts for my son, and after we talked in my mother-in-law's house for a few minutes she asked me would I please go out and walk with her. We walked around the block several times and she said her counsel advised her to see me personally and get assurances from me that David would not talk. She said it would only be a matter of a couple of years, and in the long run we would be better off; that Julius had been picked up by the FBI for questioning. He said he was innocent and that he had been released; that she had no doubt that he would probably be picked up again. He would continue to say he was innocent. That if David said he was innocent and Julius said he was innocent, it would strengthen their position; everybody would stand a better chance, and she said do you think it is a dirty shame for [fol. 1026] David to take the blame and sit for two?

Mr. E. H. Bloch: Is this alleged to have been said by Ethel Rosenberg?

The Court: Correct.

Cross-examination.

By Mr. A. Bloch:

Q. Mrs. Greenglass, do you recall the occasion when the FBI man called at your home in the month of February, 1950?

A. Yes, I do.

Q. And were you present with your husband when he talked to that FBI man?

A. I was at the house at the time, yes.

Q. And did you hear anything that was said between your husband and the man who called?

A. Yes.

Q. How long did the FBI man stay in your house at that time?

A. Close to an hour.

Q. And he left?

A. Yes.

Q. Were you frightened by the call of that FBI man?

A. Yes.

Q. You were frightened because you knew you had committed a crime?

A. No.

Q. Did you then realize that you had committed a crime?

A. No.

Q. Do you realize today that you had committed a crime?

A. I don't know what is legally a crime. I don't think [fol. 1027] I am in a position to say.

Q. Do you think that acting as a spy against the interests of the United States is a crime?

A. I think it is wrong.

Q. It is wrong?

A. Yes.

Q. When did you first realize that it was wrong?

A. I have always known it was wrong.

Q. From the very inception of your participation in it, is that right?

A. I don't think——

Q. Answer the question. You don't understand the question?

A. No.

(Question read.)

Mr. Saypol: That question is bad as to form, if the Court please.

(Question read at request of Court.)

The Court: I think the last part is vague.

Mr. A. Bloch: I except to your Honor's ruling.

The Court: Well, until you rephrase it. You may probe the subject matter just rephrase it.

Q. When you spoke to your husband in Los Alamos at the end of November 1944 and transmitted the message that you claim you were to transmit to him about transmitting information, did you think that that was wrong on your part?

Mr. Kilsheimer: Just a moment. I think Mr. Bloch said [fol. 1028] when she spoke to her husband at Los Alamos. I think the testimony is not that she spoke to him in Los Alamos. It was Albuquerque.

The Court: That is correct.

Mr. A. Bloch: I will reframe it.

The Court: You need not reframe it. Just substitute Albuquerque.

A. Yes, I did.

Q. And you nevertheless kept on participating in whatever your husband did?

Mr. Saypol: Just a moment. That is rather broad too.

The Court: Yes, that question is too general.

Mr. A. Bloch: Exception.

Q. You did receive certain information from your husband, did you not?

A. I did.

Q. And after you received the information from your husband you came to New York?

A. Yes.

Q. And you gave that information to Mr. Rosenberg?

A. Yes.

Q. You know that you were committing a crime by doing that?

A. I didn't think it was right.

Q. You knew it was wrong?
A. Yes.
Q. You nevertheless continued to participate in all the things you have testified to on your direct exami-
[fol. 1029] nation?
A. Yes.
Q. And are you aware of the fact that you are mentioned in this indictment which is being tried today as a co-conspirator?
A. Yes, I am.
Q. And have you admitted to the authorities that you did what you were charged with doing?
A. I have.
Q. Now, did these facts about your taking part——

Mr. Saypol: Will you just bear with me for a moment? The question again is ambiguous: The things that you are charged with? I don't know what Mr. Bloch means by that.
The Court: I will overrule the objection.
Q. Do you know what you were charged with in the indictment?

Mr. Saypol: Once again——
The Court: I overruled the objection.

Q. Now, did the fact that you did something wrong have anything to do with your being frightened when the FBI man came to your house in the middle of February, 1950?
The Court: Well now, that I don't understand.

(Question read at the request of the Court.)

The Court: Did something wrong prior to that visit in February, 1950?
Mr. A. Bloch: Yes.
[fol. 1030] The Witness: No.

Q. Why were you frightened?
A. I think everyone is apprehensive when the FBI interviews them.
Q. Generally?
A. Yes.
Q. You didn't worry about any danger of being discovered in having done something wrong?

A. I didn't think that was his purpose.

Q. This had nothing to do with your fright?

A. No.

Q. Did you talk the visit of this FBI man over with your husband?

A. Yes.

Q. And did either of you say to the other that the FBI man might have come here to investigate the things we did in connection with the Los Alamos Project?

A. I don't recall that.

Q. You have no recollection of that?

A. No.

Q. You have a pretty good memory haven't you?

A. In some things.

Q. Now then, in the month of May 1950 were you ever told by your husband that he was being followed?

A. No.

Q. Were you ever told by anybody that you were being followed?

A. Well, we suspected it later on but nobody told us.

Q. Nobody told you?

A. No.

[fol. 1031] Q. Now, on May 24, 1950 when Rosenberg came to your house and told you and your husband that Harry Gold had been arrested and that you and your husband had to leave the country, were you frightened?

A. I was.

Q. And did you then realize that the FBI might pick your husband up?

A. I did.

Q. And you?

A. I guess so.

Q. Now, did you then discuss with your husband as to what you were to do in the event of your being picked up or your husband being picked up?

A. No.

Q. You didn't want to leave the country, did you?

A. No.

Q. And your husband didn't want to leave the country?

A. No.

Q. And you were to remain here in New York?

A. We planned to go to the Catskills and wait.

[fol. 1032] Q. You planned to remain in this country?

A. Yes.

Q. And didn't it ever occur to you that something would have to be done by you and your husband in the event of your being arrested?

A. Yes.

Q. Did you consult a lawyer?

A. No.

Q. Well, did you talk over with your husband and make any plans as to what you were to do when you were arrested?

A. I didn't think the FBI wanted my husband.

Q. And did you think that the FBI wanted you?

A. No.

Q. Did you think at that time that the reason the FBI didn't want your husband was because he didn't do anything wrong?

A. No.

Mr. Kilsheimer: I object to the question.

The Court: The question was answered; the answer is "No".

What was the reason why you thought he did not want you to go—that the FBI did not want your husband?

The Witness: I thought the FBI was leading to somebody other than my husband, that they wanted somebody much more important than he.

Q. And did you think your husband could lead the FBI to some other person?

[fol. 1033] A. We weren't leading anyone.

Q. You just said that you did not think that your husband was going to be arrested because he could lead to someone else?

A. Yes.

Q. So you were talking about your husband leading to somebody else?

A. I don't mean it that way.

The Court: How do you mean it?

Q. What did you mean when you answered my question?

A. Well, we weren't going around and leading the FBI to anybody else. I thought that they wanted someone with

whom my husband had been involved who was more important than he, who had been involved more deeply than he.

Q. So you thought your husband would go scot free because he could lead to someone else?

A. I didn't think so but I didn't want my husband ever to be arrested.

Q. Did you think that your husband would never be arrested?

A. I hoped he wouldn't.

Q. And the same hope was applicable to you?

A. Yes.

Q. Did you at any time for years prior to June 1950 worry about this thing that you had done and the thing that your husband had done?

A. Yes.

Q. Were you afraid of punishment?

[fol. 1034] A. I was afraid of the story coming out.

Q. You were afraid of the story coming out?

A. Yes.

Q. Well, were you afraid of being punished when the story came out?

A. I don't believe I thought of it that way.

Q. You weren't afraid at all?

Mr. Saypol: She hasn't answered that way, if the Court please.

Mr. A. Bloch: I am asking her.

Mr. Saypol: It was a responsive answer.

The Court: No, the answer is responsive. She said she never thought of it.

Q. You never thought of your husband being arrested?

A. Well, I was so much against it I had hoped very much it wouldn't happen. I didn't let myself think it would.

Q. Well, did you ever talk it over with your husband and tell your husband "In the event of your being arrested or my being arrested, we are going to go to the District Attorney and tell him certain things which will lead to somebody else"?

A. I told my husband in 1946——

Q. Will you answer my question, please.

A. Yes, I will. I told my husband in 1946 that I wanted

to go to the FBI with the story. However, there had been [fol. 1035] nothing happening, everything was very peaceful and we thought perhaps it would die down and the thing would never come to light, so we did nothing about it.

Q. You did not go to anybody?

A. No.

Q. You did not report it to any authority?

A. No.

Q. And you were at peace and calm about it?

A. I was not calm.

Q. Well, what was the cause of the absence of calm on your part?

A. It's not easy to live with something that you know is wrong.

Q. Well, when you say you know it's wrong, was it wrong in your opinion morally?

A. I felt that we had taken something into our hands that we were not equipped to handle with, we were tampering with things that were beyond our knowledge and understanding, yes.

Q. And you realized that in 1946?

A. I realized it in 1944.

Q. And you kept on doing what you said you did?

A. I have told the truth about what I did.

Q. How did you think that you were violating the law by doing what you did in 1944, 1945 and in 1946?

A. I don't know very much about law.

Q. Did your husband ever tell you that the thing he was [fol. 1036] doing and the thing you were doing, that is, spying, was a crime?

A. We didn't discuss it from that standpoint.

Q. Never discussed it at all?

A. Oh, we discussed it but not that way.

Q. In what way did you discuss it?

A. Well, I had felt that it was wrong; I didn't think that he should have done it to begin with but my husband felt he wanted to and as his wife I went along with him.

Q. You thought that way right from the beginning?

A. That's right.

Q. You took $150., thinking that way?

A. I didn't take the $150. because of that.
Q. You did not?
A. No.
Q. Well, didn't you tell us that you got $150. from Rosenberg before you left——
A. Yes.
Q. —in November 1944?
A. Yes.
Q. And didn't you tell us——
The Court: Excuse me, Mr. Bloch——

(To Witness): For what purpose?

The Witness: Julius was my relative. He said to "Go to Albuquerque and I am giving you this to meet your expenses", and I accepted it in the same light.
[fol. 1037] Q. Now, your husband was inducted in the Army in April 1943?
A. Yes.
Q. And where was he stationed immediately upon his induction?
A. I think it was the Aberdeen Proving Grounds.
Q. How long was he there?
A. I don't remember.
Q. Was it a month, two or three?
A. It was a few months.
Q. Did you go to visit him over there?
A. No, I went to California——
Q. Where was he transferred to after that?
A. California.
Q. Where? What particular camp?
A. I don't remember the name of the camp. He was stationed right outside of Pomona. I was there.
Q. How long did he stay there?
A. I don't remember how long he was there. I think I was there for three months.
Q. During what year?
A. 1944, beginning of 1944.
Q. What month?
A. I think I left New York in February of '44.
Q. And you went and stayed with your husband for three months?

A. That is right.
Q. You lived with him there?
A. Yes.
[fol. 1038] Q. Nobody gave you any money to go there, in the early part of 1944; that was your own money you used in going there?
A. The money that I got in 1944—later in 1944——
Q. I am not talking about later in 1944.
A. All right, I will answer it. You are right, yes.
Q. I am talking about the beginning of 1944, when you went to Aberdeen, is it?
A. No, California.
Q. California. You went there from New York?
A. Yes.
Q. At your own expense?
A. That is right.
Q. And you lived with your husband over there?
A. Yes.
Q. For three months?
A. I worked there.
Q. And you worked there?
A. Yes.
Q. Then you came back to New York?
A. Yes.
Q. Is that the only time you went to see your husband after his induction and before your visit to him at the end of November 1944?
A. That is right.
Q. Now, in spite of the fact that you thought you had done something wrong and it was bothering you, did you take any more money from your husband?
A. Yes.
The Court: From her husband, you say?
[fol. 1039] Mr. A. Bloch: Yes, it was given—the testimony is that the husband——
The Court: Oh, yes.
Q. When was the next payment that you got from your husband, or moneys that were turned over by your husband to you?
A. I am not sure. I think it was January '45.
Q. January '45?

A. I am not sure. Either that or June was the next one.

Q. Now, when did you get the $500.?

A. In June of 1945.

Q. And you had received some money in January 1945?

A. I am not clear on that.

Q. Well, try to give us some information about these payments that were made and turned over to you.

A. I am sorry, I am hazy. I don't remember whether I did or not.

Q. You are a little confused now, aren't you?

A. I am not confused. I just don't remember it.

Q. Well, do you feel too excited to tell us the story?

A. No.

Mr. Saypol: That will be objected to.

The Court: Now, Mr. Bloch, I think she hasn't been excited.

Mr. A. Bloch: I am going to suggest, in case she is, to [fol. 1040] calm down.

The Court: She has been a calm witness. Let's not be too solicitous.

Q. Do you remember the payment of $500. that you received?

A. I do.

Q. Where was that turned over to you?

A. In Albuquerque, New Mexico.

Q. And you knew that that $500. was paid to your husband by Gold?

A. From Julius.

Q. And you knew that that was compensation for spy work?

A. That was the first time I knew it.

Mr. E. H. Bloch: Pardon me. I am awfully sorry. This may be an unusual procedure, but I move to strike out the words "From Julius" in response to the question before the last, upon the ground that it is superfluous and not responsive.

The Court: Overruled.

Mr. E. H. Bloch: I respectfully except.

Mr. A. Bloch: Will you repeat that question?

(Question and answer read.)

Q. Is that right?

A. That is right.

Q. And you say that is the first time you knew of it?

A. Yes.

Q. That is the first time you knew that your husband was being paid?

A. No, I was under the impression at first that Julius [fol. 1041] said it was for scientific purposes we were sharing the information, but when my husband got the $500, I realized it was just C. O. D.; he gave the information and he got paid.

Q. That is what you meant by saying "the first time you knew of it"?

A. That is right.

Q. Now, going back to January 1945 you said something about the money that you received then.

A. No, I said I wasn't sure.

Q. What money are you referring to?

A. I said I wasn't sure whether we had received any.

Q. Well, how many payments do you remember having received from your husband, which when turned over to you was told by your husband to be payments for spying?

A. You mean before 1950?

Q. No, from 1944 down to date.

A. There was 1945, in June, when it came from Gold; September, when Julius gave David money, when he was in on furlough; in 1948, Julius gave David money. Whether there was any before that——

Q. How much was that?

A. $800.

Q. Where was that given?

A. That was given to David during the summer. I don't know where it was given. I was not here.

Q. Where was it given, did you say?

[fol. 1042] A. During the summer. I don't know where.

Q. Where, where?

A. Mr. Bloch, I was in Monticello. My husband was in New York.

Q. But your husband told you that he had received $800. from Rosenberg; is that the idea?

A. That is right.

Q. And your husband turned that $800., you say, over to you?

A. No, he deposited it in the bank in New York.

Q. You knew it was deposited in the bank?

A. Yes.

Q. He told you all about it, did he not?

A. He did.

Q. Now, when you reecived the $500. in June, on June 3rd I think you said, 1945——

A. I said it was the first Sunday. I don't remember the date.

Q. You took that money and took $400. of it and deposited it in a bank; you bought a Savings Bond, did you say?

A. That is right.

Q. For $50. and the rest you spent, and you were still worried that you had done something wrong?

A. Yes.

Q. But you did with the money as you testified?

A. The money wasn't——

The Court: We are getting a little repetitious. Of course, she did with the money what she testified to.

Q. Now then, coming back to May 24, 1950, did your husband and you at any time before the 15th of June, when [fol. 1043] your husband was arrested, make any plans as to what you were to do in the event of his being arrested?

A. We had planned to tell the truth.

Q. I am sorry. You have to speak up.

A. We had planned to tell the truth.

Q. And you planned—you went over the facts, did you not?

A. No, I knew the facts.

Q. You did. You had never gone over those facts with anybody up to that time, I mean the details about your conversation had before leaving New York in November 1944, the conversation you had with your husband at Albuquerque in November 1944, or the first part of December, 1944, you had never gone over those facts with anybody?

A. You mean before I went to the federal authorities?

The Court: Yes.

A. No, never.

Q. Never did. Did you ever keep any memoranda, in which you jotted down any of the details that you have narrated here on the stand, either at the time these things occurred, or at any time afterwards, up to June 1950?

A. No.

Q. But you remembered every detail from memory?

A. Yes.

The Court: She remembered. I don't know about [fol. 1044] "every detail". I think that question is objectionable. She remembered what she testified to.

Mr. A. Bloch: Yes.

Q. Well, you testified, for instance, just what Julius said to you in the middle of November 1944——

A. Yes.

Q. —in detail; didn't you give us the entire conversation?

A. I testified to everything I remember. It was a long time ago.

Q. There might have been other things said?

A. Nothing I eliminated purposely. I gave you everything that I can remember to date.

Q. All right. Now, will you kindly tell us again what was said at that conference.

A. Yes.

Q. Go ahead, start right from the beginning.

The Court: Which conference was that?

The Witness: The conference in November, he said.

Q. The middle of November 1944.

A. Yes. Julius said that I might have noticed that he and Ethel had not been openly participating in any Communist Party activities; that they hadn't been buying the Daily Worker at their usual stand. He told me that David was working on the atomic bomb; that the atomic bomb had dangerous radiation effects; that it was the most destructive weapon used to date; that Britain was work- [fol. 1045] ing with the United States on this project; that the information had not been shared with the Soviet Union; that he felt that for scientific purposes it should be shared with the Soviet Union, so that one nation couldn't use the weapon as a threat against another; and he told me the

type of information he wanted me to get from David; that David would consent to pass it on—do you want that, too?

Q. Give us the whole conversation.

A. All right. He said that he wanted a physical description of the project at Los Alamos and the approximate number of people working there; who the prominent scientists were; how the place was camouflaged; what the security measures taken were; what David's work in particular was and the distance of the project from Santa Fe and Albuquerque.

Q. Now let me ask you; Did you at any time before you took the stand today read any part of what you just now told us in any paper or any document?

A. I read it in the statement that I signed for the federal authorities, when I signed it.

Q. And you memorized it?

A. I never memorized it. I knew it too well.

Q. Well, are you aware of the fact that the narrative you just gave us is almost identical with the verbiage used [fol. 1046] on your first giving of the testimony of that particular occurrence?

A. No, I am not.

Mr. Saypol: Just a moment. I appreciate so expert an opinion as to the accuracy of the witness's recollection, but I object to the form of the question.

The Court: Your objection is sustained. I don't know exactly what the point is. If the witness had left out something, Mr. Bloch would say that the witness didn't repeat the story accurately. And the witness repeats it accurately, and apparently that isn't any good.

Mr. A. Bloch: What I am referring to is the verbatim repetition of the verbiage.

The Court: Well, we don't know that it is verbatim. We haven't had the record yet.

Mr. A. Bloch: Well, it is a matter, of course, of comparing the testimony after we get it written up.

The Court: Mr. Bloch asked the question; the witness has answered.

Mr. A. Bloch: Very well.

Q. Now then, it was all planned that as soon as your husband would be arrested he would tell, as you say, the truth?

A. We had no plan. We discussed what would happen if he were arrested and what would happen if he weren't. We had no plan.

[fol. 1047] Q. Well, I call it "a plan"; you call it just that you were going to tell the truth; is that the idea?

A. That is right.

Q. And you never went over any of these details with your husband?

A. It wasn't necessary.

Mr. A. Bloch: I move to strike that out.

The Court: Strike it out.

Q. You did not go over the details with your husband?

A. I did not.

Q. You weren't surprised when your husband was arrested, were you?

A. I was.

Q. When did you first hear that your husband was arrested?

A. When I was in the hospital on June 16th.

Q. Same day?

A. Well, I was told the day after he had been picked up.

Q. That was about the 16th of June?

A. It was on the 16th.

Q. On the 16th, that is the time you found out that your husband had been arrested?

A. No, he hadn't been arrested until later that afternoon.

Q. I am sorry, I couldn't hear that answer.

The Court: Read that back, please.

(Answer read.)

Q. When did you hear of it?

A. In the morning.

[fol. 1048] Q. The day after?

A. On the morning of June 16th, the day after he had been picked up.

Q. How long were you in the hospital after June 16th?

A. I left on June 16th.

Q. The day after he was arrested?

A. No.

Q. Well, I understood that he was arrested on the 15th of June.

A. He was picked up on the 15th of June. The arrest came through on June 16th.

Q. Well, after the FBI people came and took him away from your home, you found that out the day after?

A. That is right.

Q. And that is the day you came out of the hospital?

A. That is right.

Q. Did you hire Mr. Rogge?

A. No.

Q. Were you present at the time Mr. Rogge was hired?

A. I was in the hospital.

Q. Who hired Mr. Rogge?

A. My brother-in-law, Louis Abel.

Q. And do you know when he was hired?

A. June 16th, 1950.

Q. When were you told about it?

A. My brother-in-law Louis came to the hospital and told me that my husband had been picked up. I asked him if he had received any phone calls from David. He said David had called him during the night and asked him to go [fol. 1049] to Mr. Rogge's office. I told Louis to go right from the hospital there, and he did.

Q. Did you ask your brother-in-law how much of a fee Mr. Rogge was to receive?

A. I had no knowledge of the fee at that time.

Q. Did you ask your brother-in-law whether Mr. Rogge was hired to defend him?

A. I hired Mr. Rogge——

Q. One moment.

A. I am sorry.

Q. I think the question is a very simple one.

A. No, I didn't ask him that.

Q. Did you ask your brother-in-law whether Mr. Rogge was hired to represent you?

A. I didn't ask my brother-in-law. I told him to go to Mr. Rogge.

Q. Oh, you were the one that sent him to Mr. Rogge?

A. No, my husband sent him to Mr. Rogge. He told me my husband's message and I told him to go straight to his office.

Q. Did you tell him to hire Mr. Rogge for any particular purpose?

A. To represent my husband.

Q. Not you?

A. Anyone who represents my husband represents me. We are a unit.

Q. I know that, but I am asking you whether you told your brother-in-law?

A. I told him to hire Mr. Rogge. Period.

Q. For whom?

A. Just to hire him.

[fol. 1050] Q. And you didn't tell him for what purpose to hire him?

A. No.

Q. Did you tell him at the time that your husband is not going to defend the charge?

A. I didn't tell Louis anything at the time, just to go to Mr. Rogge.

Q. Well, at the time you told him to go to Mr. Rogge, you say you had made up your mind and your husband had made up his mind to tell the truth; is that the idea?

A. I had always intended to tell the truth.

Q. Yes, that means to confess?

Mr. Kilsheimer: I object to that.

Q. Doesn't it.

The Court: It means to tell the truth.

Q. That means to confess?

Mr. Kilsheimer: I object to that.

The Court: That means to tell the truth.

Mr. A. Bloch: Yes, but I want the witness to answer, not your Honor. I know what is in your Honor's mind. I want to know what is in the witness's mind, and the jury wants to know what is in the witness's mind.

The Court: CAn you answer that question?

The Witness: Well, I have confessed everything I know about it.

[fol. 1051] The Court: Very well.

Q. And you nevertheless told your brother-in-law to pay Mr. Rogge $4,000?

A. Yes.

Q. Just——

Mr. Saypol: Is that at the time her brother-in-law came to her?

The Witness: Yes.

Mr. Saypol: I think the question——

The Witness: I am sorry.

Q. You told your brother-in-law, in effect, in substance, "You have $4,000. of our money. You can turn that over to Mr. Rogge"; is that right?

A. I told him to go to Mr. Rogge and bring the money he had, yes.

Q. Then you went to see Mr. Rogge personally?

A. No, he came to my house.

Q. When?

A. On June 18th.

The Court: Would you like a recess at this point, Mr. Bloch?

Mr. A. Bloch: What is that?

The Court: Is this convenient to you for a recess?

Mr. A. Bloch: It is, your Honor.

The Court: All right, we will have a recess.

(short recess.)

[fol. 1052] Q. Mrs. Greenglass, may I ask you to keep your voice up so that all of us can hear what you are saying?

A. I will.

Q. Thank you. Now you came out of the hospital on the 16th of June?

A. Yes.

Q. And you went home?

A. Yes.

Q. Your home was at 265, I understand, Rivington Street?

A. Yes.

Q. And were you interviewed by any newspaper men on that day?

A. No.

Q. Were you interviewed by newspapermen on the following day?

A. No.

Q. Were you ever interviewed by any newspaper men?

A. Yes.

Q. When?

A. I think it was in August or in September.

Q. Were you interviewed by newspaper men at any time between the 15th of June, and three, four or five days thereafter?

A. No.

Q. You are quite sure of that?

A. I was in bed. Nobody came into the house.

Q. Were you interviewed while you were in bed?

A. Not by a newspaper man.

Q. By whom were you interviewed?

A. I was interviewed in the hospital by the Federal Authorities.

[fol. 1053] Q. No one else?

A. Mr. Rogge and his assistant came to my house.

Q. Did you ever tell any newspaper men that your husband was innocent and that he was going to fight this case to a finish, that he had done nothing wrong?

A. No.

Q. No doubt about it in your mind?

A. No.

Q. On no occasion?

A. No.

Q. When did you go to see Mr. Rogge?

A. He came to see me.

Q. At your home?

A. That's right.

Q. Do you remember the day?

A. Yes.

Q. Did you tell Mr. Rogge that you were innocent?

A. No, I told him the whole truth.

Q. You told him just what you told us today, you say?

A. What?

Q. You told him the same story that you narrated on the stand before we took a recess?

A. I told him everything I could truthfully remember.

Mr. A. Bloch: I move to strike that out. I am asking her whether she told Mr. Rogge the same story——

Q. You narrated when you were on the stand before we took a recess.

The Court: Well, I will accept it if you change it to read, "Did you tell Mr. Rogge substantially what you [fol. 1054] testified to here today".

The Witness: Yes, that I did.

Q. And did you tell Mr. Rogge that you want to be a witness for the prosecution?

A. No——

Mr. Saypol: She has no choice in that, if the Court please.

The Court: That is right.

Q. Answer that, please?

The Court: She has no choice.

Mr. A. Bloch: You sustain the objection?

The Court: I say she has no choice in whether or not to be a witness. The District Attorney——

Mr. A. Bloch: I know, but I am asking her—will your Honor have the reporter repeat the question?

The Court: You want to know whether she volunteered.

Mr. A. Bloch: No, whether she told Mr. Rogge.

The Court: All right, did you tell Mr. Rogge that you want to testify?

The Witness: Well, when Mr. Rogge came to my home——

Q. No, please.

A. I did not say anything about testifying at that time, Mr. Bloch.

The Court: Very well.

Q. Did Mr. Rogge ask you whether you want to testify [fol. 1055] for the Government?

A. I cannot answer it that way.

Mr. Saypol: Just a minute, if the Court please. The way in which these questions are framed does not comport with the facts. June 15th the grand jury in this District had not acted. There was no charge pending so far as this District was concerned, so that to suggest that this witness affirmatively volunteered to be a witness in this case, as counsel puts it, departs from the actualities as they existed.

The Court: Your point being that at that time you did not know what the case was going to be.

Mr. Saypol: Of course not.

The Court: Or who were going to be defendants.

Mr. Saypol: Not even I knew, or my colleagues.

Q. Did you at the time that you spoke to Mr. Rogge know that your husband had been arrested?

A. Yes.

Q. Did you at that time know that your husband was being charged with espionage?

A. Yes.

Q. And did you know that your husband would in course of time be brought into court?

A. Yes.

Q. And was it in anticipation of this knowledge and of what was likely to happen, tell Mr. Rogge that you wanted to testify in favor of the Government?

The Court: Now at what time?

[fol. 1056] Mr. A. Bloch: At the time she first spoke to Mr. Rogge.

The Court: Was there any discussion about that at all?

The Witness: May I answer that in my own way?

The Court: Yes.

The Witness: Mr. Rogge asked me to tell the truth. I told him the truth the way I did here today and he outlined the different courses that could be taken.

Q. One of the courses was what? Will you tell us what Mr. Rogge told you, what courses could be taken?

A. Telling the truth.

Q. To tell the truth? And did he tell you the probability of what was going to happen in the event you told the truth?

A. I don't understand that.

Q. Well, I will reframe the question: Did Mr. Rogge intimate to you that if you told the truth as you say and if your husband told the truth you wouldn't be punished?

A. No.

Mr. Kilsheimer: Oh, I object to that, to what Mr. Rogge intimated, your Honor.

The Court: It has been answered.

Q. Is your answer no?

A. I don't think Mr. Rogge decides that.

[fol. 1057] Q. I didn't ask you that; I am asking you whether Mr. Rogge intimated to you——

The Court: She answered no.

Q. No? Did you ask Mr. Rogge whether you had any chance to escape punishment in case you testified for the Government?

The Witness: (Addressing the Court) Can I ask my lawyer what I can testify in private——

The Court: Well, I think you can answer that particular question as to whether or not you asked Mr. Rogge, understanding that Mr. Rogge is your own lawyer and he can't bind the Government—did you ask him—withdraw that. Maybe this will help you understand what they are after. They are anxious to get your state of mind at the time when you decided you wanted to tell the whole truth. They are anxious to find out whether it was motivated by any promise of any nature or description.

The Witness: May I answer?

The Court: Yes.

The Witness: When I told Mr. Rogge I would tell the truth and when I went to testify before the grand jury, I didn't know what was going to happen.

By Mr. Bloch:

Q. Now, up to the time of your husband's arrest, you [fol. 1058] believed that if you and your husband told the truth neither your husband nor you would be punished?

A. I didn't say that.

Q. Well, did you tell us only a few moments ago that you

believed that if you told the truth, leading to someone else, you would have nothing to fear, or something to that effect?

Mr. Saypol: I object.

The Court: No, she said nothing of the kind. She said when the FBI first talked to her she thought that they were after somebody more important. That is all.

Mr. A. Bloch: I most respectfully disagree with your Honor and except to the statement.

The Court: All right. Proceed.

If you are going to paraphrase previous testimony, be sure you are paraphrasing it accurately.

Mr. A. Bloch: I haven't the minutes before me, your Honor. They haven't been transcribed yet.

The Court: The jury's recollection on the subject will be paramount and will govern. That is my recollection now.

Mr. A. Bloch: O*F* course, that is true.

Q. I asked you, did I not, a few moments ago, a few minutes ago whether or not you were frightened when [fol. 1059] you were told that Gold was arrested?

Mr. Kilsheimer: If your Honor please, we have been all over this subject. I object to going into it all over again.

The Court: No. He is leading up to something else.

Q. And you said you were not frightened because you knew you thought that if you told the truth and your husband told the truth there was nothing to be frightened about?

A. I think it was wishful thinking.

Q. Well, was that your state of mind, that you thought you would not be punished?

A. No, I didn't want to be punished.

Q. Did you hope not to be punished?

A. I did.

Q. And did you at the time you spoke to Mr. Rogge hope that if you told the truth and your husband told the truth you wouldn't be punished?

A. Mr. Bloch, I have always hoped that——

Q. Will you answer my question, please?

A. Yes.

Q. You did?
A. Yes.

By the Court:

Q. Well, would your position in the matter be stated accurately if I stated that you believed you would be punished but hoped you wouldn't be?
A. Yes. He is my husband. I didn't want to see him punished.

[fol. 1060] By Mr. A. Bloch:

Q. How about yourself?
A. Does anyone want to punish himself?
Q. I didn't hear that.
A. Does anyone want to punish himself?
Q. You were very anxious to escape punishment here, were you not?
A. Yes.
The Court: May I see you, Mr. Bloch, for a moment (addressing Mr. E. H. Bloch)

(Conference off the record at the bench between the Court and Mr. E. H.Bloch.)

By Mr. A. Bloch:

Q. Weren't you anxious to know what Mr. Rogge's opinion was as to the probability or possibility of your being punished at the time that he called at your home and you spoke to him and told him as you say the whole truth?
A. I don't think we spoke of that.
Q. Well, did it ever enter your mind to inquire about it?
A. It did later on. I didn't inquire about it. I always thought about it.
Q. Well, did you communicate your thoughts to Mr. Rogge?
A. That is what a lawyer is for. I did.
Q. You did? When for the first time did you communicate that hope you had that you were not going to be punished.
[fol. 1061] The Court: Don't you think we are really going into this in too great a detail?

Mr. A. Bloch: I think it is necessary.

The Court: OF course it is necessary. The question is how deep shall we go into it? You are at it now for I would say roughly about 45 minutes in toto, dealing mostly with this subject matter.

Mr. A. Bloch: May I be honest with you? I expect to go on some more.

The Court: Well, you mean——

Mr. A. Bloch: IF you permit me.

The Court: If I give you permission?

Mr. A. Bloch: Yes.

The Court: Well, I am going to watch it from here on in very carefully.

Mr. A. Bloch: All right.

The Court: And remember this, Mr. Rogge is not on trial.

Mr. A. Bloch: Oh, I am not talking about Mr. Rogge.

The Court: Oh, you have in every question, and furthermore Mr. Rogge was not authorized to speak for the Government and you must bear that in mind in your questions.

Mr. A. Bloch: Your honor, I don't want Mr. Rogge's [fol. 1062] mind. I want her mind.

The Court: Yes, I know very well what you want.

Mr. Saypol: Your Honor, this is getting away from it.

The Court: You want her mind, not your mind.

Mr. A. Bloch: No, not my mind either.

Mr. Saypol: May I say for the record, your Honor that the Court has stated what I intended to say about this phase of the cross-examination. It is always difficult for a prosecutor to decide when to raise a question because of the latitude allowed on cross-examination. I think however at this point I should say that it has gone much too far and I ask the Court to control it.

The Court: Well, I have given him his warning and from here on in he is to guide himself accordingly and I will decide when this subject has been exhausted in my opinion.

Mr. A. Bloch: I understand perfectly that your Honor is the arbiter——

The Court: Let us not have any further argument.

Mr. A. Bloch: Very well.

Q. As a matter of fact, although you are named in the indictment you have not been arrested, have you?
[fol. 1063] A. No.
Q. And you have not been made a defendant in this case?

Mr. Saypol: Just a moment.

Q. Is that a fact?

Mr. Saypol: Just a moment. That sort of question is a negative pregnant, stating that she has been named in the indictment but nevertheless has not been arrested, wanting to infer from that that she is named as a defendant but somebody has either been derelict or deliberately has not done his duty. I think the question ought to be stricken, and if it is accepted at all it ought to be stated accurately to comport with the facts.
The Court: Very well. Proceed.
Mr. A. Bloch: May I get an answer?
Mr. Saypol: May I say for the record, if your Honor please, that this woman is not a defendant by charge of the grand jury.
The Court: But she is named as a co-conspirator.
Mr. Saypol: Yes.

(Last question read.)

The Court: That has already been answered.

By Mr. A. Bloch:

Q. Now, after you spoke to Mr. Rogge did you have [fol. 1064] any interview with anyone representing either the FBI or Mr. Saypol's office?
A. Yes.
Q. When was that?
A. The middle of July.
Q. About a month after your husband's arrest?
A. I think so.
Q. Were you interviewed at all before the middle of July 1950?
A. I said I was interviewed in the hospital.
Q. The same day your husband was arrested?

A. On June 16th.
Q. When?
A. On June 16th.
Q. That is the day you left the hospital?
A. Yes, that is right.
Q. You left in the afternoon or late in the day?
A. Yes, in the afternoon.
Q. And who interviewed you?
A. Two Federal agents.
Q. Do you know his name?
A. One name I can recall. I think it was a Mr.——
Q. Do you see the gentlemen in court here?
A. No.
Q. And you were in bed at the hospital?
A. I was on a stretcher.
Q. On a stretcher? Was there one or two or three men?
A. There were two.

The Court: Before we go along I want to get one point clear.

[fol. 1065] By the Court:

Q. Your maiden name was what?
A. Printz.
Q. And Mrs. Abel is your sister?
A. Yes.
Q. And Mr. Abel is your brother?
A. That is right.

By Mr. A. Bloch:

Q. We were talking about the interview?
A. Yes.
Q. At the hospital. There were two men?
A. Yes.
Q. And they made inquiries concerning this case of you?
A. They asked me questions.
Q. And they jotted down the answers?
A. Yes.
Q. In longhand?
A. I didn't see what they were writing.

Q. Well, you were right there on the stretcher?
A. They could have been taking shorthand.
Q. How long did that interview last?
A. About half an hour.
Q. Was the writing if any, that they took down read to you?
A. I don't recall.
Q. You don't recall? Do you remember signing anything at that time before the FBI men?
A. Not then.
Q. Are you quite sure you didn't sign anything then?
A. I am certain.
Q. Now that was on the 16th of June, right?
A. Yes.
Q. 1950?
A. Yes.
[fol. 1066] Q. Now, between the 16th of June 1950 and the middle of July 1950 did you interview any one of the FBI or anyone in Mr. Saypol's office?
A. No.
Q. Were you subpoenaed to come to this building in the middle of June, July, I mean?
A. No.
Q. How did you come to go to this building?
A. I came willingly.
Q. Voluntarily?
A. Yes.
Q. Had you made any appointment with anyone for the visit?
A. I came to tell the story as far as I knew it.
Q. Did you call anyone up on the telephone and let them know that you were coming?
A. I don't recall.
Q. You don't recall that?
A. No.
Q. You just came down here yourself?
A. I think I came myself.
Q. Was Mr. Rogge with you?
A. Yes, he was once.
Q. Do you know what floor you went to?
A. Fourth floor.

Q. To the FBI office?
A. No.
Q. Whose office was it?
A. That was Mr. Saypol's office.
Q. Who was the gentleman you saw in Mr. Saypol's office upon that call?
A. All the people present?
Q. Yes.
A. Mr. Saypol, Mr. Rogge, Mr. Goldman, my husband, [fol. 1067] Mr. Norton and Mr. Harrington.
Q. Was there a stenographer present?
A. No.
Q. Did anybody take down either in shorthand or in longhand whatever you said?
A. No.
Q. It was an informal talk, wasn't it?
A. I don't remember.
Q. You don't remember?
A. No.
Q. How long did you stay in Mr. Saypol's office on the fourth floor?
A. About 20 minutes.
Q. What?
A. About 20 minutes.
Q. And were you told to come back?
A. I came the next day.
Q. Were you told to come back?
A. Yes.
Q. Who was the one who made the appointment with you?
A. Mr. Saypol told me to come the next day.
Q. And you came again the next day?
A. I did.
Q. With Mr. Rogge?
A. Yes.
Q. And was your husband present?
A. No.
Q. Were the same gentlemen you mentioned before present?
A. Yes.
Q. Two of them?

A. No. Just Mr. Harrington.
Q. Who was absent?
A. Who was absent?
Q. Yes.
A. Mr. Goldman and Mr. Saypol.
Q. And who was doing the inquiry?
A. Mr. Harrington and Mr. Norton.
[fol. 1068] Q. Was there a stenographer present?
A. No.
Q. Was there anybody there taking notes of what you said?
A. Mr. Norton was writing.
Q. There came a time when the interview or the conference terminated, ended that afternoon?
A. Yes.
Q. And were you called upon to sign anything?
A. Not that day.
Q. Was anything taken down read to you at the time?
A. No.
Q. Were you told to come again?
A. Yes.
Q. When was the next session?
A. The next morning.
Q. And were the same people there?
A. Yes.
Q. Was there a stenographer present then?
A. No.
Q. And was there something taken down by way of notation on that third conference?
A. I was shown a typewritten copy of the notes Mr. Norton had taken.
Q. And you read it?
A. I read it.
Q. And you signed it?
A. I read it, corrected it and signed it.
Q. In what way did you correct it? In ink, pen and ink?
A. I typed one part in and I wrote the other part.
Q. And after you read it and you were satisfied with the contents of it you signed your name to it?
A. Yes.
[fol. 1069] Q. Do you know how many copies were made of

that statement, that typewritten statement that you corrected?

A. No.

Q. Were you given a copy of it?

A. No.

Q. After you signed it who took it?

A. I don't know what happened to it. I left it with Mr. Norton and Mr. Harrington.

Q. You left it there?

A. Yes.

Q. Have you ever seen that statement since then?

A. Never.

Q. Was that the statement that you read before you took the witness stand?

A. I said I have never seen it again since I signed it.

Q. But you said you read the statement, didn't you?

A. Yes, when I corrected it.

Q. But you told us——

The Court: Now he is talking about prior to taking the witness stand here today.

Q. You told us you read the statement.

A. But I didn't say that. I said prior to signing the statement I read it; not prior to taking the stand.

By the Court:

Q. Did you read any statement prior to taking this stand today? That is what he is asking.

A. No.

[fol. 1070] By Mr. A. Bloch:

Q. Didn't you in answer to my question as to whether or not you read any document before you came here say that you read a statement?

A. No, I didn't say that.

Q. You are quite sure you didn't say that?

A. I said when I signed the statement in July I read it, but before I came here I read nothing.

Q. So since July, the middle of July 1950 until the moment you took the stand you didn't read that statement?

A. That is correct.

Q. Or any part of it?

A. That is correct.

Q. Did you ever give either the District Attorney or the FBI any other statement?

A. I have spoken to them at other times.

Q. I didn't hear you?

A. I said I have spoken to them at other times.

Q. A written statement I am referring to?

A. You mean a signed statement?

Q. Yes.

A. Never again.

Q. Never did?

A. No.

Q. Were you ever examined by anyone in this building or any other building concerning this case where there was a stenographer present and notes were taken?

A. Yes.

[fol. 1071] Q. Where was that?

A. In Mr. Lane's office.

Q. When was that?

A. I don't remember. It was sometime during the summer,——

The Court: Were you going to fix the date?

The Witness: No. I was going to say something else; And this week.

Q. Two statements?

A. No statement. There was a stenographer present.

Q. A stenographer was present and took down whatever you said?

A. I guess so.

Q. Do you know whether those conferences were transcribed or those statements you made then were transcribed or typewritten?

A. That is the purpose of taking stenography. I assume they were.

The Court: Did you ever see them again?

The Witness: No.

Q. You never saw them again?

A. No.

[fol. 1072] Q. Now did you at any time ask Mr. Rogge whether or not your husband has a chance for leniencey?

A. I don't think I can answer it that way. I always discussed what's going to happen, it was just speculation.

Q. But you discussed it with him?

A. That is all I could think of.

Q. And you also discussed and speculated with Mr. Rogge as to what was going to happen to you?

A. Yes.

Q. That's right, and today you entertain a hope that you- husband is going to be treated with by the Court with lenience?

A. I am telling the story because it's true and I hope and pray that my husband will come home. That is what I want, but I am not telling the story for that, no.

Q. I am not asking you that.

A. Well, I cannot answer it the way you are putting it.

Q. I am asking you——

The Court: The witness has answered your question.

Mr. E. H. Bloch: I move to strike that *that* answer out.

The Court: No, that answer is responsive and it stands.

Mr. E. H. Bloch: I respectfully except.

[fol. 1073] Mr. A. Bloch: And I respectfully suggest that the answer—that the question has not been answered.

The Court: I say the question has been answered.

Mr. A. Bloch: I take an exception to your Honor's ruling.

By Mr. A. Bloch:

Q. Now there came a time when you appeared before the grand jury?

A. Yes.

Q. And when was that?

A. I think it was in August.

Q. Did you at any time before you appeared before the grand jury confer with your husband——

A. I visited him——

Q. —as to what you were going to testify to before the grand jury?

A. No, I went to see him to visit him.

Q. But did you, when you visited him at any time, discuss with him what you were going to testify to before the grand jury?

A. No, I just went to visit him.

Q. Did you at any time discuss with your husband any of the details you related to us this morning and part of this afternoon concerning and affecting these various conferences that were had, as you say, in November 1944, in January 1945 and September 1945?

[fol. 1074] A. Only when——

Mr. Kilsheimer: I object to the question.

The Court: Discuss it when?

Mr. A. Bloch: At any time——

The Court: Prior to coming here today?

Mr. A. Bloch: Prior to coming here today.

The Court: Very well.

A. Only when they occurred.

Q. I did not get that answer.

A. Only when they occurred.

The Court: I don't think you understand the question.

The Witness: I do.

The Court: Mr. Bloch is asking you whether in anticipation of testifying here——

The Witness: Oh.

The Court: —you had reviewed with your husband these incidents.

The Witness: No.

Q. And you still say now that you rely solely upon your memory of the occurrences and talks that were had in 1944 and in 1945?

A. That's right.

Q. Now let's go back to the middle of November 1944. You testified that you, Mr. Rosenberg and Mrs. Rosenberg had a talk.

A. Yes.

[fol. 1075] Q. And where was that talk had?

A. At their home, at 10 Monroe Street.

Q. You were invited to dinner or what?

A. I don't remember how I came to be there.

Q. You don't recall how you came to visit them?

A. No.

Q. Was it in the daytime or at night?

A. It was evening.

Q. And your best recollection is that it was about——

The Court: I cannot hear you, Mr. Bloch; I am sorry, I cannot hear you.

Q. And your best recollection is that that conference or that talk was had in the middle of November 1944?

A. That's right.

Q. And you sat around a table, I imagine, right?

A. I don't recall that.

Q. You don't recall. Don't you recollect the scene of that conference and where it was had and in what room it was had?

A. Not every detail.

Q. At any rate, somebody started talking?

A. Yes.

Q. Who is the one who started to talk?

A. I don't remember that.

Q. Well, do you recall testifying this forenoon that it was Mr. Rosenberg started talking about this espionage [fol. 1076] business?

A. About that particular conversation?

Q. Yes. Who started to talk?

A. Who started the conversation, the first one who opened his mouth that evening, I can hardly recall that.

Q. I am not talking generally. Of course, you said "Good evening" or "Good morning", but after you sat down and began to talk about this espionage and your intended trip to the West, who started to talking and mention anything about espionage?

A. Julius Rosenberg.

Q. Julius. You are sure of that?

A. Yes, I think so.

Q. And he said something about giving up Communist activity?

A. Yes.

Q. You remember that distinctly?

A. Yes.

Q. And you remember very distinctly that he said something about not having a certain newspaper in his house?

A. No, I didn't say that. I said he didn't buy the Daily Worker at the usual newsstand but I didn't say that he didn't have it in his house.

Q. He did not buy the Daily Worker any more?
A. No, I didn't say that.
Q. You did say that——
The Court: Now listen—just a moment. You are not [fol. 1077] listening.
A. I said that he didn't buy the Worker at the usual newsstand, not that he didn't have it in his house.
Q. I am sorry, I didn't hear that part. You remember that very distinctly?
A. Oh, yes. I remember the newsstand he told me he bought it at.
Q. And you also remember everything else that you have testified to that he said?
A. To the best of my recollection.
Q. And then you say Ethel broke into the conversation?
A. Yes.
Q. And she said what.
A. She said that she wanted me to tell to David that the least I could do was relay the message because this is what he would want, it was right for him.
[fol. 1078] Q. When Julius Rosenberg was telling you about the plight of Russia and that she was entitled to information the way other people or other nations are entitled to information, did you agree with him?
A. I don't think it was a question of agreeing. I said that I didn't think——
Q. I am not asking you about that. I am asking you——
A. I can't answer.
Q. I am asking you whether you agreed with her at that time?
A. I can't answer it the way it is phrased.
Q. Why can't you answer it the way it is phrased?
The Court: Let us have no argument.
Did you voice agreement?
The Witness: I said that I didn't think that we were in a position to decide whether the information should be shared.
Q. In other words, you disagreed with him?
A. If that is what it means, yes.
Q. And you said so?
A. Yes.

Q. And when he proposed this espionage activity, you objected to it?

A. I didn't think it was right.

Q. And did you think that it was not moral?

A. I didn't think that I should be the one to decide such an issue. I thought that it was way beyond me.

[fol. 1079] Q. Did you tell him that?

A. Yes, I told him I didn't think it was right, that I was frightened by the whole thing.

Q. Well, did you tell him that you didn't want to have anything to do with it?

A. I don't remember just exactly what I said, but I didn't—I said I didn't like it.

Q. In substance?

A. Yes, that was it in substance.

Q. But then you changed your mind?

A. No, I said I would give the message to my husband.

Q. Who is the one who asked you to give the message to your husband?

A. Both Ethel and Julius.

Q. Are you aware of the fact that this morning you said it was Ethel who said that?

A. No, I said Ethel said I should tell it to David because it was right for him, but Julius told me that I should ask David if he wanted to pass the information on. That is what I said.

Q. Had you then made up your mind that you were going to advise your husband what to do or what not to do in connection with the matter proposed?

A. I did.

Q. What was your determination at that time?

A. I told my husband exactly——

[fol. 1080] Q. No, I am asking you, what was your determination at the time it was proposed to you, in the middle of November, 1944, when this proposition was made to you by Mr. and Mrs. Rosenberg?

A. I was going to give him the message and tell him how I felt about it.

Q. And a few days afterward, I imagine, you received $150.?

A. That's right.

Q. And you took your trip and arrived at Albuquerque on the 28th of November?

A. 27th or 28th.

Q. Or the 27th?

A. Yes.

Q. Then we had that walk along the Rio Grande River, on Route 66?

Mr. Saypol: Did you say "we had that walk"?

Mr. A. Bloch: We had the story of the walk.

Mr. Saypol: Oh, I didn't think you took the walk.

Mr. A. Bloch: I never walked there.

Mr. Saypol: May the question be reframed?

The Court: You and your husband took a walk; Mr. Bloch was not on the walk; you and your husband were.

The Witness: Yes, that's right.

Mr. A. Bloch: I will concede it, too.

Q. Then you transmitted to your husband, in substance, what had been told you by Mr. and Mrs. Rosenberg?

A. That is correct.

Q. Did you tell your husband that you don't want him [fol. 1081] to participate in that?

A. I told my husband exactly the way I felt.

Q. And what did you tell him you felt?

A. I told my husband that I thought it was wrong, that I didn't think we should be the deciding authorities.

Q. Did you think at that time that it was a crime?

The Court: Oh, you have been over this at least six times.

Mr. A. Bloch: Does your Honor sustain the objection?

The Court: Yes.

Mr. A. Bloch: I except.

Mr. E. H. Bloch: Will you- Honor pardon me just a second?

The Court: Yes.

Q. Did your husband or you, upon that occasion, discuss as to whether or not the thing was a violation of law?

A. No, neither of us know very much about law.

Q. I asked you whether you discussed it?

The Court: The question was whether you discussed it?

A. No.

Q. You did not. Did you express any fear of punishment in case your husband undertakes to do what was proposed to him?

[fol. 1082] The Court: You mean, express it to her husband at that time?

Mr. Bloch: At the time.

Mr. Kilsheimer: I object to this, your Honor, I think we have gone over it.

The Court: Overruled.

A. I don't think I thought of punishment at that time.

Q. I didn't get your answer, I am sorry.

A. I said I don't think I thought of punishment at that time.

Q. What did your husband say when you first made the proposition? Give me the substance of what he said?

A. His first reaction was the same as mine.

Q. What did he say?

A. He said that he didn't want to do it; that he was afraid to do it and he didn't think it was right for us to do it.

Q. But he said that he was afraid to do it?

A. Yes.

Q. Did you ask him what he was afraid of?

A. No, I don't question every word he says.

Q. Well, didn't the word "afraid" or "fear" arouse in your mind that there may be danger to him?

A. No, the word "afraid" has several connotations. I didn't think of what he was afraid of.

[fol. 1083] Q. You didn't think and you didn't ask?

A. No, I didn't.

Q. Did your husband say he was going to think it over?

A. Yes.

Q. There was nothing further said that evening on the subject?

A. Not about that, no.

Q. How long after that talk with your husband did come to you and tell you that he had changed his mind and he was going to do what was asked of him?

A. The next day.

Q. In the morning?

A. I don't recall.

Q. And he then and there gave you the information that you testified to?

A. He gave it to me and repeated it and asked me to repeat it to him, yes.

Q. Now, can you recall what information he gave you at that time?

A. Yes. Do you went me to give it?

Q. No. I am going to ask you specifically.

A. All right.

Q. Did he give you the names of the alleged top scientists?

A. He gave me the names of several scientists. I don't know who was at the top.

Q. Well, did you ask him for the names of top scientists?

A. I don't remember that. I asked him the names of scientists working there.

Q. Did he give you the name- of scientists or alleged scientists?

A. Yes.

[fol. 1084] Q. Do you remember what names he gave you?

A. Yes.

Q. What are they?

A. Dr. Urey, Dr. Oppenheimer, Kistiakowski, and Neils Bohr.

Q. And did he give you the location of Los Alamos?

A. He gave me the approximate distance from Santa Fe and Albuquerque. I wouldn't remember if he——

Q. Did he give you the number of employees that were employed at the Project?

A. Yes, he did.

Q. Do you remember what number it was?

A. No, I don't.

Q. But you remember the approximate location of the place there; you said something about 40 miles, did you say, or 50 miles?

A. I don't remember the geographical location. I remember the distance from those two points.

Q. You remember his telling you that?

A. Yes. Then I lived there and I know about it now.

Q. What else did he tell you?

A. He told me that the place where the Project was then had formerly been a horse-riding academy; that it was at the top of a hill; that you could hardly see it until you almost came there.

Q. Did he tell you not to jot all this information down in writing?

A. That's right.

Q. Did he tell you that you were to memorize that information?

A. He did.

Q. And to transmit it to Rosenberg?

A. Yes.

[fol. 1085] Q. Did you ask him why you weren't to take it down in writing?

A. I didn't have to ask him. Julius had instructed me not to.

Q. Well, did you realize then that there was danger in your taking this thing down in writing, all these items down in writing?

A. I think I was too young to realize the whole thing fully at the time.

Q. You were young?

A. Yes, I was.

Q. How old are you?

A. 26.

Q. And at that time you were approximately 20?

A. That's right.

Q. So you now say, because you were young you didn't realize the danger?

A. No, I don't say that. I say I don't think I understood the significance of what was happening.

Q. Oh, you didn't, and the first time you began to realize it was when?

A. I think I realized it most clearly after Gold left and then again after the bomb had been dropped on Hiroshima.

Q. But you were worried, you told us this forenoon that you were worried?

A. When?

Q. Right then and there, right from the beginning?

A. I didn't say I was worried. I said I didn't approve of it; I didn't want it.

Q. You didn't say that you were worried?

[fol. 1086] A. I don't recall saying that. I may have.

Q. And if you said it, you didn't mean it?

A. No, I didn't say that.

The Court: She said she didn't say it.

Q. And you thought nothing about the results that may follow your doing what you were doing at the time?

A. No, not then.

Q. Didn't think of it at all?

A. No.

Mr. E. H. Bloch: Pardon me one second. May I approach the bench?

(Discussion at the bench, outside the hearing of the reporter and the jury.)

The Court: We will recess at this point until 10.30 tomorrow morning.

(Adjourned to March 15, 1951, at 10.30 a. m.)

[fol. 1087] New York, March 15, 1951

10:31 a. m.

Trial resumed.

RUTH GREENGLASS, resumed the stand.

(The following proceedings were had at the bench, out of the hearing of the jury:)

Mr. Kuntz: I saw the front page of the New York Times this morning in the courtroom for the first time——

The Court: Will you keep your voice down?

Mr. Kuntz: —and I suggest if it is agreeable to your Honor that we have a conference on the record but privately, in chambers, because I think this is a very serious matter to the defendants.

The Court: We will do it later.

Mr. Kuntz: All right.

Mr. Saypol: I would just as leave have it in open court.

The Court: Not before the jury.

Mr. Saypol: Oh, indeed not, of course not.

The Court: Do you want to have it in court?

[fol. 1088] Mr. Kuntz: I have never tried a case in my life in the newspapers.

The Court: Well, let us hold it for a while.

Mr. Saypol: Well, I don't care for the implication, and I have had experience with this kind of defendants before, and with what I anticipate is to be said, I have no qualms about discussing it.

The Court: We will take it up later.

Mr. Saypol: I don't recognize any implications or inferences or innuendos.

The Court: All right.

(The following proceedings were resumed in the hearing and presence of the jury:)

The Court: Proceed, Mr. Bloch.

Cross examination continued.

By Mr. A. Bloch:

Q. Mrs. Greenglass, I will ask you to direct your mind to the morning of May 24, 1950, when you say Mr. Rosenberg came to your house with the Herald Tribune, wasn't it?

A. Yes.

Q. And showed you the picture of Gold.

A. That's right.

Q. And asked you in substance to leave the city immediately?

A. To leave the country.

Q. Leave the country. And he gave you $1,000?

A. Yes.

[fol. 1089] Q. You also told us, I believe, that you never intended to leave the country?

A. That's right.

Q. And at the time you received the thousand dollars you didn't intend to leave the country?

A. That's right.

Q. And part of that thousand dollars you deposited to your husband's account in the Manufacturers Trust Company?

A. No, my husband deposited it.

Q. Yes, but you know as a fact that it was deposited?

A. It was deposited when I was in the hospital.

Q. Do you know now whether it was deposited of your own knowledge?

A. Yes.

Q. Nevertheless, on the 28th of May 1950 you took passport photographs?

A. That is right.

Q. Six copies of them, is that right?

A. Yes.

Q. And at the time these photographs were taken you knew that you were not leaving the country?

A. That's right.

[fol. 1090] Q. Did you talk it over with your husband as to the reason you were taking photographs when you did not intend to leave the country?

A. Yes.

Q. Was it to deceive Rosenberg?

A. Yes.

Q. And make him believe that you were going away?

A. That is right.

Q. Did you have in mind that you were going to get additional money?

A. No, it wasn't a question of giving him the pictures for the money.

Q. Well, what was the object of deceiving him?

A. Because we didn't want Mr. Rosenberg to think we were going to stay in the country, because we were harmful to him.

Q. I didn't get that last.

A. I said, we were harmful to him.

Q. Didn't you have in mind at all the $4,000. or the $5,000. that you were to receive?

A. That was not the purpose of taking the pictures.

Q. But on the 4th of June 1950 you say Mr. Rosenberg brought you $4,000.?

A. That's right.

Q. You took that $4,000.?
A. Yes, he gave it to my husband.
Q. You were there at the time, weren't you?
A. I was in the house.
Q. And did you talk it over with your husband as to [fol. 1091] what was to be done with that money?
A. Yes.
Q. You had the account, did you not, at that time, in the Manufacturers Trust Company?
A. I did.
Q. And none of that $4,000. was deposited to that account?
A. Never.
Q. Or to any account?
A. No.
Q. Who suggested that the money be turned over to your brother-in-law, Mr. Abel?
A. My husband and I talked it over and we both decided to do that.
Q. Was that money turned over to Mr. Abel to secrete it from somebody?
A. No.
Q. Had you ever turned any money over to Mr. Abel before?
A. I have lent him money when he asked for it.
Q. What is that?
A. When he asked to borrow money, I gave it to him.
Q. Well, did you lend him the $4,000.?
A. No, I asked him to hold the $4,000.
Q. Well, was there any reason for not depositing that money in your bank?
A. Yes.
Q. What was the reason?
A. It would seem very odd for us to deposit $4,000. at one time.
Q. Were you afraid to keep it in your house?
A. No, I don't th*at* that was it.
Q. Well, why wasn't it kept in your house, in the chimney, as you say, where it was originally put?
[fol. 1092] A. Mr. Bloch, my husband——
Q. Will you answer the question?

The Court: She is answering.

A. (Continuing) —wanted to tear the money up and flush it. We had no particular love for the $4,000; we weren't trying to get money.

Q. But you didn't flush it?

A. No, we didn't.

Q. And you didn't tear it up?

A. No, because Mr. Abel, when my husband told him what he had in mind, asked him to give him the money, not to do that with the money.

Q. You consulted Mr. Abel before you gave him the money?

A. No, my husband said he had $4,000. and he was thinking of giving it to Mr. Abel to hold, and he was deliberating whether he should destroy it, he didn't tell him anything about the money.

Q. Did you advise you- husband to destroy the $4,000.?

A. I had no particular interest in what happened to the money.

Q. You didn't?

A. I never touched it.

Q. Wasn't that money deposited with Mr. Abel so that in the event of your husband's arrest it should not be found in your possession?

A. I don't think we thought of it at that time.

[fol. 1093] Q. I didn't hear you.

A. I said I don't think we thought of it at that time.

Q. You don't think?

A. No.

Q. Well, didn't you talk it over with your husband?

Mr. Saypol: I think there has been enough of this now, if the Court please, on this phase.

The Court: You are going around a circle, around a circle, Mr. Bloch. She said she did talk it over with her husband and she said her husband wanted to tear it up and flush it down.

Q. Was Mr. Abel in your house at the time that money was turned over to him?

Mr. Saypol: That was the same topic, if the Court please.

The Court: Well, I will let him ask it once more.

A. I don't recall. I don't think I was present when the money was turned over.

[fol. 1094] Q. Where does Mr. Abel live?

A. On Columbia Street, Manhattan.

Q. How far from the place you live?

A. Right around the corner.

Q. Now Mrs. Greenglass, was that money in your house at the time the FBI people came?

A. No.

Q. And did you ever see the package or the wrapping paper in which the money was wrapped?

A. Yes.

Q. When did you see it for the first time?

A. I saw it for the first time after Julius Rosenberg left the house and my husband showed it to me. I saw it for the second time in Mr. Rogge's office.

Q. Now, you testified yesterday that in 1946 you saw a console table in the Rosenberg apartment?

A. Yes.

Q. And you described that console table?

A. Yes. It was a dark mahogany table, didn't have much carving. It had a sort of scalloped effect.

Q. I didn't ask you to describe it. I call your attention to the fact that you did so testify yesterday.

A. Oh, I am sorry.

Q. When was the last time that you saw that table in the Rosenberg apartment?

A. Either 1948 or 1949.

Q. How often did you visit the Rosenbergs in the year 1946?

A. Well, after my son was born, very infrequently.

[fol. 1095] Q. When you say infrequently was it twice a year?

A. It might have been maybe more. I didn't count the number of times.

Q. Well, can you give us the approximate number of times that you visited them in 1946?

A. I don't think so.

Q. Can you give us an approximate idea of how many times you visited them in 1947 and 1948?

A. No.

Q. Your best recollection is that you saw that console table in 1949 you say?

A. I say either in 1948 or 1949.

Q. So isn't it a fact that in 1949 you didn't visit the Rosenbergs at all?

A. No, I didn't say that. I said 1950——

Q. No, I am asking you whether it is a fact?

A. No, I think I was there in 1949.

Q. What part of 1949?

A. Probably the beginning.

Q. Now, didn't something happen in the beginning of 1949 and the end of 1949 that created hostility between you and the Rosenbergs?

A. No, there was no hostility.

Q. Did you ever visit the place of business of this machine shop?

A. Yes. It was near my home.

Q. In 1949?

A. Yes.

Q. How often did you visit that shop?

A. As often as I happened to be near there. I used to go [fol 1096] by there with the carriage.

Q. You lived how far away from that shop?

A. About five blocks.

Q. You went there almost every day, didn't you?

A. No, I didn't say that. I said as often as I happen to be there.

Q. I am asking you?

A. I don't remember, Mr. Bloch.

Q. You don't even remember how often you visited that shop in 1949?

A. Was it important?

Mr. Saypol: I object to the form of the question "You don't even remember". The inference being that the witness is not testifying truthfully.

The Court: The question is do you remember.

Mr. E. H. Bloch: If the Court please, I move to strike out the answer of the witness upon the ground that it is not responsive.

The Court: Yes, and we will strike out the question too. Now the question is do you remember.

The Witness: I am sorry, I don't remember the whole question.

The Court: Will you repeat your question Mr. Bloch, without the word "even".

Q. Do you remember how many times you visited—I withdraw this.

[fol. 1097] Mr. A. Bloch: I don't recall the question in exactly the way I put it.

(Last question read.)

Mr. A. Bloch: Has your Honor——

The Court: I have sustained the objection to the "even", that is right. You may rephrase the question.

Mr. A. Bloch: I will reframe it leaving out the word "even".

The Court: That is correct.

The Witness: No, I don't.

Q. You don't. Did you know that your husband and Mr. Rosenberg had had differences about the business that was being conducted there?

A. I heard that.

Q. Were you ever present when any discussion was had between your husband and Mr. Rosenberg?

A. I was present——

Q. About the business?

A. I am sorry; I was present and there were others, too.

Q. Didn't your husband accuse Mr. Rosenberg of not treating him right?

A. No, it didn't happen that way.

Q. Well, what did he accuse him of?

A. My husband didn't accuse him of anything, Mr. Bloch.

Q. Well, did your husband demand money he claimed he was entitled to?

A. No.

Q. Did he complain of anything that happened at that [fol. 1097-A] shop?

A. I think both my husband and his brother were dissatisfied with the shop.

Q. But your husband was dissatisfied, wasn't he?

A. Not alone, no.

Q. And Bernie was dissatisfied?

A. That is right.

[fol. 1098] Q. And as a result of that dissatisfaction there were arguments, weren't there?

A. There weren't arguments, there were discussions over it.

Q. And what was the subject of those discussions?

A. When? In 1948 or 1949?

Q. 1949.

A. Well, over a period of time Ethel Rosenberg had been complaining that David and Bernie were not paying attention to the shop, that Julius was doing all the work, working hard, David and Bernie weren't keeping the proper hours, and they were wasting their time in talking where Julius was coming in there in the morning hours, that they were coming in at ten or ten thirty, and he was sick a great deal of the time and he was tired of the whole business.

The Court: Is that what she said?

The Witness: That is right. She——

Q. Did you participate in that?

Mr. Saypol: Wait until she finishes.

The Witness: (Continuing): And my sister-in-law Gladys—she is deceased now—was very unhappy about the discussions and she said——

Mr. E. H. Bloch: I move to strike out that——

The Court: Yes, strike it out.

The Witness: All right. My sister-in-law was displeased——

[fol. 1099] Mr. E. H. Bloch: I move to strike that out.

The Court: Yes. Don't tell us about your sister-in-law being displeased—unless this is something that occurred in the presence of Julius Rosenberg.

The Witness: It did occur.

The Court: All right, proceed.

The Witness: She disagreed. She said it was not so, that they were paying attention, that after all they knew what they were doing about their work and Julius was a novice as a salesman. In 1949 we wanted to leave the business. We wanted, as a matter of fact, in 1948 too. We

wanted to sell our stock, too, and Bernard wanted to sell his stock and there was quibbling back and forth. It was a question of whether this business contract would make money and whether the business would become solvent and it would be worth our while to remain. Those were the subject of discussions.

Q. And you participated in those discussions?
A. Not in all of them.
Q. I did not get that.
A. Not in all of them.
The Court: She said, "not in all of them."
Q. Didn't you talk it over with your sister-in-law?
A. Which sister-in-law?
Q. Mrs. Rosenberg?
A. I don't believe I discussed with her leaving the business.
[fol. 1100] Q. Didn't you complain to your mother-in-law and to other members of the family that your husband was being treated as a menial instead of one of the owners of the business?
A. No, I don't think I put it that way.
Q. Well, how would you put it?

The Court: Not "how would you" "How did you."

A. I said I didn't think my husband was being paid commensurate with the work done.
Q. And did you also complain to members of the family that your husband was losing his investment in that business?
A. I don't think I did.
Q. Well, was he losing his investment in that business?
A. We lost everything in that business.
Q. Well, he was losing it, wasn't he, 1949?
A. He lost it prior to 1949.
Q. And don't you know that your husband wanted to be paid the amount of his investment in order to get out of that business?
A. Mr. Bloch, my husband wanted some money for his stock.
Q. And he demanded it?
A. He didn't demand it. He asked for it.

Q. He asked for it?
A. That's right.
Q. Do you make a distinction between "demanded" and [fol. 1101] "asked"?
A. Yes.

Mr. Saypol: That is argumentative.

Q. Very well, but he did not get any money, did he?
A. No, not for the business.
Q. And as a result of that he left the business in August?
A. No, he left the business because he had not been earning salary for a year and we wouldn't continue to live without an income.
Q. He left the business in August?
A. That is right.
Q. And did you continue on speaking terms with Ethel after your husband left?
A. I did.
Q. Did you visit their home after he left the business?
A. I don't think I visited much before he left the business.
Q. How long before——

Mr. E. H. Bloch: Wait—I move to strike out the answer as not responsive.

The Court: No, it will stand.
Mr. E. H. Bloch: I respectfully except.

A. I think the last time I visited there was in the winter, the early winter of 1949.
Q. You mean the beginning of 1949?
A. That is right.
Q. And then was it on account of this friction that had [fol. 1102] occurred between your husband and Mr. Rosenberg that you stopped visiting them?
A. No, Mr. Bloch, there is no friction involved. We wanted to have money for food and we had to go to work.
Q. Now I am going to ask you a direct question——

The Court: I assume they are always a direct question.

Q. —are you hostile to either Mr. or Mrs. Rosenberg?
A. No.
Q. Are you friendly towards them?

A. I have friendly feelings.
Q. And do you wish them well?
A. I do.
Q. And do you wish them to be acquitted in this case?

The Court: Oh, now——
Mr. Kilsheimer: I object to that.
The Court: —that is going too far.
Mr. A. Bloch: Does your Honor sustain it?
The Court: It is immaterial of what she wishes with respect to the acquittal. That will depend on the jury. I think you have tested her motives sufficiently with your questions.
Mr. A. Bloch: Is your Honor sustaining the objection?
The Court: Yes, I sustain it.
Mr. A. Bloch: I except.
[fol. 1103] The Court: Very well.

Q. Do you know that your husband asked Mr. Rogge to commence an action against Mr. Rosenberg for the collection of either one thousand or two thousand dollars?
A. He didn't ask him to start an action, Mr. Bloch.
Q. He did not?
A. No, and I was the one who spoke of it, not my husband.
Q. Well, did you tell Mr. Rogge to call up myself and ask or make a demand for the money that your husband claimed Rosenberg owed him?
A. Mr. Bloch, I asked Mr. Rogge——
Q. Will you please——
A. I will answer your question if you will allow me to.
Q. Answer it yes or no.
A. I cannot answer it yes or no. We did not demand and we did not claim. There was a debt.

The Court: All right, you tell us what happened.
The Witness: I spoke to Mr. Rogge. I said that David had left the business and Bernard had left the business and no money had been paid to either one for their share of the common stock and we wanted to see if we would be paid for it. That is exactly what I asked Mr. Rogge.
Q. That stock had already been assigned, had it not?
A. The stock was turned over in January 1950. Do you want the full story on it?

[fol. 1104] Q. Were you present at the time the stock was turned over?

A. I was.

Q. And you say the stock was turned over in January?

A. Oh, I am sorry. It was turned over in May. In January 1950 we assigned it over and we had it notarized and we asked Mr. Rosenberg to sign the promissory notes and he refused, and he said we did not have the understanding that required it—a verbal understanding was sufficient, and he gave neither my husband nor his brother a note.

Q. And that is what you told Mr. Rogge?

A. No, I told Mr. Rogge further that I had bought a book of promissory notes and made out the notes but Mr. Rosenberg had not signed it.

Q. Well aren't you a bit angry at either Mr. or Mrs. Rosenberg because they did not pay you what you think you were entitled to?

Mr. Saypol: Objected to as to form.

The Court: Overruled.

A. I don't think I am angry. I just can't understand their actions because there was a debt due.

Q. You are not angry?

A. No, I am not angry. I don't understand people who do not pay their debts, Mr. Bloch.

Q. And you resent it?

A. I don't think I resented it. I couldn't understand [fol. 1104a] why *it* wasn't being paid for what was rightfully mine.

Q. And you do not resent it now either?

A. Would I get anything with resentment?

Q. Well, I am asking you whether you resent it now?

A. No.

[fol. 1105] Q. Now, Mrs. Greenglass, you lived at Albuquerque for how long?

A. A year.

Q. Between what periods of time?

A. I lived there from March of 1945 to March of 1946.

Q. And during that period did Mrs. Rosenberg correspond with you?

A. She did.

Q. How often?

A. Perhaps three or four times.

Q. She corresponded with her brother Dave, didn't she, too?

A. No.

Q. She did not?

A. She sent the letter to my home. If she corresponded with Dave, it would have to go to Los Alamos.

Q. Didn't she write the letters on her own behalf and on behalf of her mother to Dave and to you?

A. There were both; there was a letter from her on behalf of her mother and one from herself.

Q. Well, can you tell us how often she wrote those letters?

A. Well, the letters on behalf of her mother were not written too frequently, because my sister-in-law Gladys used to write to my mother-in-law, too.

The Court: Your sister-in-law Gladys was married to——

The Witness: To Bernard.

The Court: —Bernard; Bernard was your husband's brother?

[fol. 1106] The Witness: That's right.

Q. Did you keep any of those letters?

A. I kept some of them, not all.

Q. Well did you have a place where you kept your correspondence that you received from the various people you knew in New York or elsewhere, while you were at Albuquerque?

A. Yes.

Q. And did you put those letters that you received from Mrs. Rosenberg amongst those letters that you held and kept from other people?

A. Not all of them.

Q. Was there any particular reason for destroying some or not keeping some?

A. I didn't say I destroyed it, Mr. Bloch. I said I didn't remember what had happened to that particular letter.

Q. Well, I am asking not about any particular letter; generally?

A. I can't think of any reason.

Q. You said you didn't keep some; was there any reason for not keeping some?

A. Well, I was there a full year; I received a lot of correspondence. Had I kept them all I would have no room for furniture.

Q. So you picked and chose which to keep and which not to keep?

A. No, I didn't pick and choose. Some I kept and some I just did away with some way.

Q. You did it at random?

A. I don't recall what my feelings were at that time. It is several years ago.

[fol. 1107] Q. Is your memory bad?

Mr. Saypol: I object to that.

The Court: I will overrule it.

Do you know whether you have a good memory or not?

The Witness: I have a good memory in most things, yes, things that are important.

Q. And in some things you have not?

A. Not in every detail, no.

Mr. E. H. Bloch: May I have Government's Exhibits 4 and 4-A?

I am not going to be very long, your Honor.

The Court: Is Mr. Bloch, Sr. finished?

Mr. E. H. Bloch: He is finished.

The Court: Mr. Bloch, Sr. is finished; is that right?

Mr. A. Bloch: Yes.

Mr. E. H. Bloch: In order to save time, your Honor, while the members of Mr. Saypol's staff are looking for that exhibit, maybe I can proceed to—all right.

Cross-examination.

By Mr. E. H. Bloch:

Q. Now, Mrs. Greenglass, I direct your attention to Government's Exhibit 4 in evidence (handing), and ask you whether you say that that piece of paper or cardboard [fol. 1108] represents accurately the type of cover of the Jello box, that you say was cut up in the Rosenberg house some time during the week of January 1945?

A. I don't know if the style of the box changed since then.

Q. Did I ask that?

A. Well, I can't tell you.

Mr. E. H. Bloch: I move that the answer be stricken.

The Court: Just a moment, Mr. Bloch. Let's not argue with the witness. It is responsive.

A. (Continuing) It was a Jello box and it was a red flavor. I remember there was a red thin line around the instructions side.

Q. Was there a green line around it?

A. No, green line is on a lime box.

Q. Now, you are sure that the printing was red?

A. No, I didn't say the printing.

Q. I mean, this part here—let me identify it very clearly—in other words, on the edges, at least on some of the edges, as you put the box this way (exhibiting), there was just a red color; is that right?

A. I said that there was a red line around the instructions side, that I held; there was a red line, a red thin line framing it.

[fol. 1109] Q. Did you notice any other red in the box outside of the red on the instructions part?

A. Yes, I saw it before Mr. Rosenberg cut it.

Q. Now, when you are talking——

Mr. E. H. Bloch: Do you mind if I stand up here, your Honor?

The Court: All right, as long as the witness speaks up.

Q. Now, when you talk about the red line, are you talking or are you referring to the red line which is shown on the edge or the edges of Government's Exhibits 4-A and 4-B (showing)?

A. I am.

Q. Did you have a good look at the face and rear and the other side of the Jello box that night; and I show you Government's Exhibit 4 to refresh your recollection in answering that question (showing)?

A. I only saw that for a minute. However, the other part was in my wallet at all times, and I saw the red line.

Q. Now, may I ask you whether or not you knew the flavor of the Jello box that was cut up?

Mr. Saypol: I object to that. That is immaterial.

The Court: Overruled.

A. No, I did not.

[fol. 1110] Q. You did not?

A. There were three red flavors.

Q. You know that now?

A. I have always known it. I cook.

Q. You knew it at that time?

A. Yes.

Q. Did you look to see what flavor it was?

A. I wasn't cooking the Jello.

Q. I didn't ask you that. Did you look?

A. No, I didn't; I did not.

Q. Now then, you say this—a side was cut up?

A. That's right.

Q. And that is reflected here in government's Exhibits 4-A and 4-B (showing)?

A. Yes.

Q. Then I think your testimony was that you took one part of that and Julius kept the other part?

A. That's right.

Q. Is that right?

A. Yes.

Q. Then you put that part, I believe you testified, in your wallet?

A. That's right.

Q. Now, did you keep that side that you were given in your wallet at all times until Mr. Gold came to your home in Albuquerque on June 3, 1945?

A. I did.

Q. Prior to the time that you say you put your side in the wallet in Rosenberg's home in January 1945, did you look at the piece that was given to you?

[fol. 1111] A. I noticed it was the instructions side.

Q. Did you notice what was written on there?

A. No, I didn't read it.

Q. Can you tell us now what was printed on that side of the cardboard box, cardboard Jello box, that you received, as you say, in the Rosenberg home in January 1945?

A. It was not pertinent, and I didn't have to know.

Mr. E. H. Bloch: I move to strike out "It was not pertinent", your Honor. I submit I am entitled to a very clear answer.

The Court: Yes, I will strike out the answer. You didn't look at it?

The Witness: No, I didn't look at that time.

The Court: Now, let me ask you this; what was important to you?

The Witness: I had the Jello box side to identify myself to whoever was to come out with the other matching half. It wasn't necessary for me to memorize what was written on the instructions. I memorized the instructions Mr. Rosenberg gave me and the information my husband gave in return. This had nothing to do with it.

Q. Maybe you didn't understand my question.

A. Oh, I did.

[fol. 1112] Q. All I wanted to know is whether or not you noticed what was written or printed on this side, that you said you got.

A. Sufficiently to know that it was the instruction side, but not the other side, with the picture of the little girl on it.

The Court: Excuse me. When the bearer of the other half of that side of the Jello box was to come to you, was it your primary purpose in seeing whether the two sides would fit together like a jigsaw puzzle?

The Witness: Yes.

The Court: Very well.

Q. Was the side of that Jello box, as you say, cut up——

Mr. E. H. Bloch: I am almost through. Mr. Saypol suggests that I let the jury look at this while I am interrogating the witness on this point and I have no objection to that at all.

The Court: They have seen it already.

Mr. E. H. Bloch: That is what I thought.

Q. Was the word "instruction" printed on the part of the side of the Jello box that you say you received at the Rosenberg house?

A. I didn't notice that word. I saw the recipe.

Q. What was the recipe?

A. I don't remember it. I can tell you how to cook Jello.

[fol. 1113] Q. You have cooked Jello many, many times, haven't you?

A. Yes.

Q. For your family?

A. Yes.

Q. And you cooked Jello for your family prior to January 1945, did you not?

A. Yes.

Q. Now did I understand you correctly to say that one of the points of disagreement between your husband and Bernie, your husband's brother, and Julius Rosenberg while they were in business together at Pitt Machine Products Company was that your husband was not being paid sufficiently?

A. No, I didn't say that.

Q. Well, let me hear that again, please.

A. I said that I didn't think that my husband was being paid commensurate with the work done, and there was a period when both of them and Julius too were being paid nothing.

Q. When you say you didn't think that he was being paid sufficiently, did you voice that opinion of yours to Julius Rosenberg?

A. I voiced it to Julius Rosenberg, Isidore Goldstein, David Greenglass, Bernard Greenglass, and my mother-in-law in her house, in 1946, just before they went into business.

Q. Did you voice any such objection after the Pitt Machine Products Company was formed?

A. I didn't voice an objection, Mr. Bloch. I felt that they [fol. 1114] were all partners. They shared the common stock. They had the same number of shares, the three of them did, and I felt that they should share their profits equally but that the salary should be commensurate with the work done.

Q. Now, did you say that?

A. I did.

Q. To Julius Rosenberg?

A. I did.

Q. And did you say that in connection with the amount of drawings from the Pitt Machine Products Company?

A. Drawings or salary?

Q. Salary. I am using drawings synonymously with salary.

A. I always said that. However, there was a time that

there wasn't enough money in the business, and there was a question of just taking for our needs. Then we all took the same amount.

Q. Prior to the time when the business went bad?

A. Yes.

Q. In 1949?

A. Yes. It went bad in 1948.

Q. In 1948? Did you tell Julius Rosenberg that you thought your husband wasn't getting enough salary?

A. I can't answer that just that way, Mr. Bloch. Julius Rosenberg told me in 1947 that he didn't care whether the business was a success or not, and I was very enraged. I said that David and Bernie had put all their earnings into that business. To them it meant something; they were earning a living, and he said he didn't care because he [fol. 1115] could get $10,000. or $15,000. as a front for any business for his activities. That was in 1947.

Q. As a front?

A. That is right.

Q. Do you know as a matter of fact that David Schein invested $15,000. when the Pitt Machine Products Company, Inc. was formed?

A. That is not the same thing, Mr. Bloch.

Q. I am not saying it was; I am asking you a question.

Mr. Saypol: I think Mr. Bloch is getting unduly exercised.

Mr. E. H. Bloch: I am not exercised; believe me, I am cool, or at least I hope I am.

Mr. Saypol: If you just keep calm, I think, your Honor, on this relatively insignificant issue we will have some light and get along.

The Court: I am glad to see that you are so calm this morning.

Mr. Saypol: I don't like to lose my sense of humor. On the other hand, this is a grave thing and I don't want the issue lost sight of. When we get these outbursts, we get away from the issue, and that is the reason why I say what I am saying, and when I think the time comes again, that I think the subject has been exhausted I shall rise and state [fol. 1116] so to your Honor.

Mr. E. H. Bloch: I am just going to say a few words, if your Honor please. Let me assure the Court——

The Court: No, I don't want to hear it. Proceed.

Mr. E. H. Bloch: I am not unduly exercised. I am not trying to badger the witness, but she left an implication in the last answer which I am trying to clear up.

The Court: Go ahead.

The Witness: I wasn't implying anything, Mr. Bloch.

The Court: She didn't imply anything. She said something.

The Witness: I can tell you exactly where it happened, where we were walking at the time.

By Mr. E. H. Bloch:

Q. I am asking you specifically whether it is not a fact that a man by the name of David Schein invested $15,000. in the Pitt Machine Products Company, Inc. at the time of its formation in the latter part of 1947?

A. But that wasn't——

Q. Now, will you answer?

The Court: Just answer that.

[fol. 1117] The Witness: Yes, he invested it.

Q. You are not trying to imply that David Schein was a front?

A. Oh, no.

Q. Are you?

A. Oh, no.

Q. He was a legitimate business man who was making a legitimate business investment, isn't that right?

A. That is right.

Q. And he was quite careful—if you know, if you don't, just say you don't—to take care of his interest by having all checks countersigned by him, isn't that correct?

Mr. Saypol: Don't answer that until I object. I object. It is a summation and it deals with something foreign to the issues in this case.

The Court: I sustain the objection.

Mr. E. H. Bloch: I respectfully except.

By the Court:

Q. Did you say there was no connection between the Schein investment and your statement that you made concerning Mr. Rosenberg's statement?

A. Yes.

Q. Where he said he could have the business as a front?

A. That is right.

By Mr. E. H. Bloch:

Q. Now as a matter of fact, Mrs. Greenglass, don't you know that your brother-in-law Bernie and your husband [fol. 1118] Dave and your brother-in-law Julius Rosenberg prior to 1947 drew equally share and share alike as far as salaries were concerned?

A. I know that.

The Court: Prior to, when was that?

The Witness: 1946, 1947, before G. and R. became Pitt Machine.

Q. Isn't it a fact that one of the complaints that was made by Julius Rosenberg against your husband was that he, Julius Rosenberg, was working too hard and that your husband was loafing on the job?

A. That is an untruth.

Q. Whether it is an untruth or not, did he make that complaint?

A. He complained about a great many things.

Q. I am asking you, Mrs. Greenglass, whether he complained specifically about this.

A. Among others, yes. Excuse me, Mr. Bloch, would you let me explain that?

Q. I am awfully sorry. I would be derelict in my duty if I permitted any gratuitous remark.

Mr. Saypol: Now——

The Court: Go ahead.

Mr. Saypol: I have an objection to the observation of Mr. Bloch as to gratuitous remarks.

The Court: No, no, I don't want to hear it, Mr. Saypol. I don't want to hear any more, Mr. Bloch. I don't want to [fol. 1119] hear any more. Go ahead and explain it.

The Witness: I want to say this: when they went into this thing my husband was the one who was going to teach other employees under the GI Bill of Rights, under the work and training program—he was going to teach them the work and train them to be machinists. Julius's job was to solicit business. He could hardly say that my husband was loafing. Julius was not working on machines. Only on occasions; he wasn't steadily at the machines in 1946 and 1947.

Q. Julius wasn't?

A. No.

Q. Julius wasn't a machinist?

A. But he claimed to be a big engineer.

Q. As a matter of fact, Julius was the one who went out and tried to get business?

A. So he couldn't say that my husband was loafing. If he got the business David produced it.

Q. Maybe you misunderstand me. I am not trying to say that your husband may not have had a justifiable grievance. All we are trying to find out is whether Julius Rosenberg complained that your husband was loafing, that is all.

A. I didn't say my husband had a grievance. I said Julius complained. He complained about so many things.

Q. And amongst the other things that he complained of [fol. 1120] was the fact that your husband David would disappear from the business during the day and go home and help you with the household duties, isn't that correct?

A. That is ridiculous. He came home for lunch.

The Court: Now you are missing the point. He is asking you whether Rosenberg ever said that; not whether it is true, but whether Rosenberg ever said that.

The Witness: Yes, he said it.

Q. Now, when you went down to Mr. Rogge's office, when did you first tell him about this claim that your husband had against your brother-in-law Julius based upon his promise to pay for the stock?

A. When?

Q. Yes, for the first time.

A. I found out inadvertently, I don't remember who told me, that Pitt Machine was being put up for sale—I do remember who told me: Someone came to my house and

told me and he said it was being put up for sale and the amount was——

[fol. 1121] Mr. E. H. Bloch: I object to this upon the ground that it is not responsive.

The Witness: I will tell you the name if you want.

Mr. E. H. Bloch: I am talking to the Court.

The Court: Just a moment.

Mr. E. H. Bloch: I asked a question, when for the first time did she tell——

By the Court:

Q. When for the first time did you tell Mr. Rogge about this?

A. I think that it was the end of July.

Q. 1950?

A. That is right.

By E. H. Bloch:

Q. And at that time your husband was in custody and in jail, was he not?

A. He was.

Q. And had been since the middle of June 1950?

A. Yes.

Q. And at that time Julius Rosenberg was already in jail, was he not?

A. That had nothing to do with——

Q. I didn't ask you whether it did; I am asking you whether that is the fact as of that time?

A. Yes, it is.

Q. Did you at any time go over to Ethel, your sister-in-law and make any request for the recovery of that money?

A. I did not.

[fol. 1122] Q. Did you?

A. No.

Q. How many times in all did you ask Mr. Rogge about this claim?

Mr. Saypol: I object to this.

The Court: Overruled.

A. I don't remember that.

Q. It was after June 1950, wasn't it?

A. Yes.

Q. How many times in all were you down in Mr. Rogge's office?

A. I never counted the times.

Q. There were many occasions?

A. When I felt the need to go or he wanted to see me I went.

Q. I asked you whether many occasions on which you went down to his office?

A. I don't know how frequently people go to their attorneys. I can't tell you whether I went frequently or infrequently.

Q. As a matter of fact, Mrs. Greenglass, wasn't there a time when you were down in Mr. Rogge's office almost every day?

The Court: For how long?

Q. For a period of a week or two?

A. When? At the beginning?

Q. Yes, at the beginning?

A. I don't think so. I wasn't able to walk very well.

Q. Was there any period when you were down at Mr. Rogge's office every day for a period of at least one week? [fol. 1123] A. I don't recall that.

Q. Would you say that you were not down there every day for a period of at least one week?

A. I couldn't say one way or the other.

Mr. Saypol: Just a minute.

The Court: She has answered.

Mr. Saypol: When counsel addresses it in the form he does, every day, does he intend to say every day for a period of continuous hours from morning to night? Or does he mean to say for five minutes on one day and three hours on the next?

The Court: You can bring it out on redirect.

Mr. Saypol: I object to the question.

The Court: Overruled.

Q. Now, in connection with the claim that you had, which your husband had against Rosenberg for the disposition of his stock, was that discussed in May 1950?

A. Yes.

Q. Did Rosenberg tell you at that time in May 1950 that he had contracted to purchase the shares of David Schein in that business and that he had promised to pay $5500. for that stock and had turned over to David Schein the sum of $1000. on account of the $5500. purchase?

A. I don't remember all the details. He told us he had contracted to buy his share.

Q. And did he tell you he had no money to make good [fol. 1124] any claim of yours because he had already paid over to Mr. Schein practically his last cent?

A. No.

Q. Did he say something like that in words or substance?

A. No.

The Court: Well now, what is the relevancy of this? I understood the purpose of the examination was to bring out that there might have been some claim. Now, I am not interested in any explanation of non-payment of the claim.

Mr. E. H. Bloch: No, that is not the purpose of the question. Maybe I should make myself clear and maybe I should address the bench. I don't know. If the Court feels I should do it from here, all right.

The Court: If it is going to be very short I will let you go on.

Mr. E. H. Bloch: I just want to convey to the Court——

The Court: I don't want you to go far afield.

Mr. E. H. Bloch: No. My purpose here is solely to refute——

Mr. Saypol: Well just a moment, if the Court please.

Mr. E. H. Bloch: Well, I will come up to the bench.

The Court: Go ahead.

[fol. 1125] By Mr. E. H. Bloch:

Q. Didn't you testify here on direct in substance that you had a conversation with Julius Rosenberg or your husband had a conversation with Julius Rosenberg at which you were present in which you and your husband were requested to leave the country and Rosenberg said he was going to flee the country also?

A. Yes.

Q. When did this conversation take place?

A. On May 24, 1950.

Q. And at that time on May 24, 1950 was there also a discussion of the claim that your husband had against Rosenberg for the disposition of his stock?

A. No. My husband said that we had a lot of personal debts in the family. He didn't say anything about his claim for the stock. When you are interested in leaving the country—had we been interested, we would not wait to get paid an investment. We didn't want to leave the people we owed money to in a lurch. They worked hard for their money.

[fol. 1126] Q. Of course you knew, did you not, that when you got this thousand dollars it was on the representation of your husband that he had personal debts and he wanted to pay them off, isn't that right?

A. It is not right.

Q. That is not right?

A. Oh, no.

Q. Nothing like what was said?

A. Do you want me to tell you what Mr. Rosenberg said?

Q. No, you will have an opportunity to tell, but I would like an answer to that question. Nothing like that was said?

The Court: Like what? I do not quite understand.

Mr. E. H. Bloch: Then will you read the preceding question and then read the last question, please, Mr. Stenographer?

(Record read.)

The Court: The question is whether your husband had represented to Rosenberg that he had personal debts that he wanted to pay.

The Witness: I thought Mr. Bloch was talking about investments.

Q. If you want it clarified, we will clarify it.

The Court: Let her answer it.

A. If it was a question of personal debts, yes, we had [fol. 1127] personal debts. We did not say that we wanted a return of investment, and he did not indicate that he wanted an investment.

The Court: Mrs. Greenglass, will you please talk a little slower.

Mr. E. H. Bloch: Maybe if the Court asked it——

Q. Let me ask it in as simple language as I know: Did your husband in the month of May, and particularly on May 24, say to Rosenberg in words or in substance the following: "I need money to pay my personal debts if you want me to get out of this country"?

A. He said part of that, yes.

Q. He did, and the fact remains that these personal debts were owed to these people that you described as having worked hard for their money and couldn't afford to lose that money, isn't that correct?

A. Yes, it is.

Q. And three of those people were members of a family called Feit, is that correct?

A. Yes.

Q. One of them——

A. Yes.

Q. Did your husband or you pay one single penny of that $1000. that you say you got from Rosenberg to pay these people that you say could least afford to forgive a debt or to lose any money?

[fol. 1128] A. We started to pay it as soon as my husband went to work for Arma, and with the thousand dollars we had—shall I explain what we did with it? Do you want me to explain?

Q. Yes, I would like you to explain what you did with the $1000.

A. We had bought furniture on the instalment plan. We paid that off. We paid off a debt, a loan to the National City Company. I paid off a typewriter that I had bought on the instalment plan. We paid a neighbor a personal debt. We used it for household expenses, and then $500. was put in the bank when I was in the hospital and I have used that to live on.

Q. So that outside of this one repayment to a neighbor of the personal debt you didn't use any of that money to pay the personal debts of your husband, isn't that correct?

The Court: Well, don't you consider these other debts personal debts that were paid off?

Mr. E. H. Bloch: I do, but I am wondering whether the witness or her husband did. That is what I am trying to find out.

The Court: Apparently you did not. Your question was phrased in such a way as to lead us to believe that you didn't.

Q. Do you make a distinction between the personal debts of your husband that we were talking about——

[fol. 1129] Mr. Saypol: Just a minute, will you please? The distinction, if any, is made by counsel and I submit that the subject——

The Court: Mr. Saypol, I think I understand the point. I understand his distinction and he hasn't even finished his question.

Mr. Saypol: I am sorry.

The Court: Let us wait until the question is finished.

Mr. Saypol: I object to the line of examination. It think it has been exhausted.

The Court: I will permit him to ask his question.

Q. Did you on May 24, 1950, make a distinction between the personal debts of your husband and household debts?

A. No, they were all our debts.

Q. So you did use the thousand dollars to pay your husband's personal debts——

The Court: Part of it.

A. Yes.

Q. Part of it?

The Court: We have already got that. Let us get on.

Q. And you say——

Mr. E. H. Bloch: I am almost through——

[fol. 1130] Q. —and you say that $500. was put in the bank?

A. Yes.

Q. This was on May 24th?

A. No, this was on June 14th.

Q. You mean the $500. was put in the bank on June 14th?
A. That is correct.
Q. Between May 24, 1950, and June 14, 1950, did you make any attempt to pay off any of the people outside of the debts that you have already recounted to whom your husband owed money?
A. Between May 24th and June 14th?
Q. Yes.
A. The $500. that we put in the bank was going to pay for a bungalow that my husband hired in the country. The money was deposited after I was already in the hospital. I went in the hospital on June 13th. My husband put the money in the bank so that it would not be in the house while he was working and I was gone. Two days later my husband was taken into custody. We could not pay off any debts.
Q. Is that your full answer?
A. Yes, it is.
Q. Now one last question. When you had this $4000. wrapped in this brown container in your house——

Mr. Saypol: Brown container?
Mr. E. H. Bloch: Container—isn't that right? I think there was an argument as to whether it was a container or a bag.
[fol. 1131] Mr. Saypol: That was "paper".
Mr. E. H. Bloch: "Paper"—any word you want.
The Court: Let us call it paper container. Go ahead.

Q. —paper container——

Mr. Saypol: No, not a container.
Mr. E. H. Bloch: A wrapper—is that all right, Mr. Saypol? All right.
Mr. Saypol: I object to the question as it was put.
The Court: Go ahead.
Mr. E. H. Bloch: I will reframe it.

Q. When you had in your house this paper wrapper in which there was contained $4000. did you get that out of your house into your brother-in-law's hands in order to secrete it from the FBI?
A. I don't think that was quite the reason.

Q. Was that one of the reasons?

A. Not exactly, no.

Q. Did it enter your mind that you did not want to have that money in your house in the event that the FBI came around and searched your house and found it?

A. No. I think we wanted to tell them the true story and explain how we get the money, before they found the money and questioned us.

[fol. 1132] Q. Nobody stopped you after you had that $4000. to come down here to the Federal Building and tell the FBI, "Look, I have got $4000."?

The Court: Don't answer it.

Mr. Kilsheimer: I object to that.

The Court: Don't answer that. It is argumentative.

Mr. E. H. Bloch: I respectfully except.

That is all.

Wait just one second, please.

My dad points out just one question which he thinks I overlooked.

Q. Were you told by Julius Rosenberg on May 24th, 1950, that he couldn't give you any money on the claim that your husband made against him for the disposition of the stock, because he had given Schein $1000. and he didn't have any more cash at hand?

A. No, my husband didn't ask for payment on his stock. Julius Rosenberg said that he would bring my husband $6000. more. That was not coming from the business, Mr. Bloch.

Q. What was not coming from the business?

A. $6,000., that he promised us.

Q. Yes, but I didn't ask you that.

A. Well, it wasn't being paid for the investment.

[fol. 1133] The Court: Who was it coming from?

The Witness: From the Russians, for us to leave the country.

The Court: Is there any redirect?

Mr. Saypol: Will your Honor call a recess? We will decide that.

Mr. Kilsheimer: I wonder whether the defendant Sobell wants to cross-examine before we look into any redirect?

Mr. Kuntz: No cross.
The Court: We will take a short recess.

(Short recess.)

Mr. Kilsheimer: Your Honor, the Government does not have any redirect from the last witness.
The Court: Very well, the witness is excused then.

Call your next witness.

The Clerk: Dorothy Abel.

Dorothy Abel, called as a witness on behalf of the Government, being first duly sworn, testified as follows:

Direct examination.

By Mr. Kilsheimer:

Q. Mrs. Abel, will you sit back in your chair and try to keep your voice up so that all the jurors and counsel can hear you. Where do you live, Mrs. Abel?
[fol. 1134] A. 87 Columbia Street.

The Court: Is that Manhattan?
The Witness: Yes, that is.

Q. You are married?
A. Yes, I am.
Q. What is your husband's name?
A. Louis Abel.
Q. You have no children?
A. I haven't.
Q. Are you related to Ruth Greenglass?
A. Yes, I am; I am her sister.
Q. What was your maiden name?
A. Dorothy Printz.
Q. Mrs. Greenglass' maiden name was Ruth Printz; is that right?
A. That's right.
Q. In the early part of 1945 where were you living?
A. I was living at 266 Stanton Street, Manhattan.
Q. With whom were you living?

A. With Ruth Greenglass.

Q. Do you know the defendant Julius Rosenberg?

A. Yes, I do.

Q. Do you know his wife Ethel Rosenberg?

A. Yes, I do.

Q. Do you see them seated at counsel table here?

A. Yes, I do.

Q. Did there come a time in the early part of 1945 when you saw Julius Rosenberg at your apartment, at 266 Stanton Street?

A. Yes.

Q. Can you fix the time of this meeting, as best you [fol. 1135] can?

A. It was in the latter part of January, the early part of February.

Q. Either in the latter part of January or the early part of February?

A. Yes.

Q. Did Rosenberg come to your apartment?

A. Yes, he did.

Q. What time of day did he come there?

A. It was in the evening.

Q. Who was present in the apartment when Rosenberg came?

A. Ruth and myself.

Q. Can you tell the Court and jury what occurred on that occasion when Rosenberg came to your apartment?

A. Well, we exchanged pleasantries and then Julie asked me to go, to leave the room, take a book and leave the room.

Q. Did he state why he wanted you to leave the room?

Mr. E. H. Bloch: I object to the form of the question. I object to it upon the ground that it is leading and suggestive.

The Court: All right, sustained.

What else did he say?

The Witness: Well, he asked me to take a book with me, and I said all right, I would go into the bedroom; he said no, he wanted me to go into the bathroom and close the door, and I did.

[fol. 1136] The Court: Well, did he say anything about what he wanted to do?

The Witness: He said he wanted to speak to Ruth privately.

By Mr. Kilsheimer:

Q. And you went into the bathroom and closed the door; is that right?

A. I did.

Q. Did you from time to time have conversations with Julius and Ethel Rosenberg concerning Russia?

A. Yes, I did.

Mr. E. H. Bloch: Objected to, if the Court please.

The Court: Overruled.

Mr. E. H. Bloch: Upon the ground it is incompetent, irrelevant and immaterial, and injects an issue that is not proper within the confines of the issue in this case.

The Court: One of the issues in this case is whether or not they intended to give an advantage to Russia. On that issue I take the evidence.

Mr. E. H. Bloch: I respectfully except.

Q. Did these conversations take place on more than one occasion?

A. Yes, it did.

Q. Now, is there——

Mr. E. H. Bloch: I am sorry, I also object, if the Court please, upon the ground that the question is general.

[fol. 1137] The Court: All right, overruled.

Mr. E. H. Bloch: I respectfully except.

Q. Does one of these conversations stand out in your mind?

A. I remember a time when the four of us, Ruth, David and Julie and Ethel and I were going out to a show, and they were talking, Julius and Ethel were speaking to me and—they were—they were comparing our form of Government to the form in Russia, and they—they thought—they said that they, Russia was the ideal form of government, the Russian form of government. That is all.

Q. Can you fix the time when this conversation took place, as best you can?

A. I think it was in 1944, during the winter time. That is about all I can remember.

Mr. Kilsheimer: Thank you.
You may cross-examine.

Cross-examination.

By Mr. E. H. Bloch:

Q. You say, the winter time of 1944; could you be more specific?

A. No, I can't.

Q. How many times in all have you had discussions with the Rosenbergs about political affairs?

A. I wouldn't call them "discussions". Whenever I met them, they just spoke about it.

Q. How old are you now?

A. 23.

[fol. 1138] Q. And in 1944?

A. I was 16.

Q. Did you ever discuss with them, or did they ever discuss with you any matters concerning legislation that was before the Congress of the United States?

A. No, they did not.

Q. Did you discuss any domestic matters of the United States with them, or did they discuss that with you?

A. No, they did not.

Q. In the course of this conversation in which you stated that the Rosenbergs told you that the Russian form of Government was the ideal form of Government, did they say anything specifically about the United States form of Government?

A. They didn't think that it compared at all with the Russian form of Government.

Q. Can you tell us specifically what criticism they made of the United States form of Government?

A. Well, they said that it was a capitalistic form of Government.

Q. Yes?

A. That is about all I can remember.

Q. What else?

The Court: Is that the reason they assigned for preferring the Russian form of Government?

The Witness: Yes.

The Court: Was there discussion of the relative merits of the capitalistic form of Government as against com-
[fol. 1139] munistic form?

Mr. E. H. Bloch: Pardon me, if the Court please, with the utmost deference and respect to the Court, I would like to register my objection to the Court's questions at this time.

The Court: I will withdraw the question. Go ahead.

Q. Now, if that is all you remember, tell us if you remember more? Please tell us. Did the Rosenbergs say anything to you on that occasion with reference to our form of government, more than a criticism that it was a capitalistic form of government?

A. I don't remember.

Q. Had you taken any courses in political economy?

Mr. Saypol: Is this at the age of 16?

Mr. E. H. Bloch: That is what I am going to find out.

Mr. Saypol: I hardly think that is possible. I think it is an improper question.

Mr. E. H. Bloch: It is possible now, you know, Mr. Saypol.

The Court: It is proper. It might not be likely that she did it, but it is proper.

Q. Did you take any courses in political economy prior to the time when this conversation with the Rosenbergs is alleged to have occurred?

A. No, I did not.

[fol. 1140] Q. Did you take any courses in history prior to the time this conversation is alleged to have occurred?

A. Yes, I did.

Q. In high school?

A. Yes, I did.

Q. Did you take any courses in civics?

A. No, I did not.

Q. Did you take any courses in economics?

A. No, I didn't.

Q. I am talking prior to the time of the alleged conversation?

A. No, I did not.
Q. Did you participate in the conversation?
A. No, I didn't.

Mr. E. H. Bloch: That is all.
Mr. A. Bloch: That is all.
The Court: Is that all? Is there any redirect?
Mr. Kilsheimer: No redirect, your Honor.
The Court: Very well, step down.

(Witness excused.)

The Clerk: Louis Abel.

[fol. 1141] Louis Abel, called as a witness on behalf of the Government, being first duly sworn, testified as follows:

Direct examination.

By Mr. Kilsheimer:

Q. Mr. Abel, will you keep your voice up so that all can hear you. Mr. Abel, are you a veteran of the last war?
A. I am.
Q. And what service did you serve?
A. The Navy.

Mr. E. H. Bloch: If the Court please, I object to this upon the ground that it is incompetent, irrelevant and immaterial to the issues in this case, and only is an attempt to build up this witness out of proportions to any testimony that he may give. I am willing to make that statement in support of my argument.

The Court: I don't know what testimony he is going to give.

Mr. E. H. Bloch: Well then, I will confine it to the general objection, your Honor, that this question and this answer——

The Court: I have never heard an objection to whether a man was in the Armed Services. That is a peculiar type of objection that I have ever heard. I am overruling it.

Mr. E. H. Bloch: May I just say this to the Court: The

reason I asked, is that in a number of trials, I have never [fol. 1142] been permitted to ask it.

The Court: Well, I permit it.

Mr. E. H. Bloch: All right, I respectfully except.

Mr. Kilsheimer: Will the stenographer kindly read the last question.

(Last question and answer read.)

Q. For what length of time were you in the Navy?

A. Approximately two years.

Q. Did you serve overseas?

A. I did.

Mr. E. H. Bloch: I assume, your Honor, that my objection goes to this entire line?

The Court: Yes.

Q. Are you related to David Greenglass?

A. I am.

Q. In what way?

A. I am his brother-in-law.

[fol. 1143] Q. Will you keep your voice up, Mr. Abel, please?

You know the defendants Julius and Ethel Rosenberg?

A. I do.

Q. Do you recall the time when David Greenglass was arrested last June?

A. I do.

Q. And about when do you recall that occurred?

A. On June 16th.

Q. Now sometime prior to the date when David Greenglass was arrested did you see David Greenglass?

A. I did.

Q. And where did you see him?

A. In his home.

Q. About how long—about what length of time prior to the time he was arrested?

A. Oh, it must have been about close to a week before he was taken in.

Q. On that occasion did you have a conversation with David Greenglass?

A. I did.

Q. And as a result of that conversation, what happened?
A. I——

Mr. E. H. Bloch: I object. I object upon the ground that it is too general and it is not binding upon the defendant.

Mr. Kilsheimer: If your Honor please, I am not asking for the conversation. I am just asking for what occurred after they had the conversation.

The Court: All right, just tell us what you did. Don't [fol. 1144] tell us what you said to anyone.

Mr. Kilsheimer: No, I did not ask that, your Honor.

Mr. E. H. Bloch: All right.

A. As a result of that conversation I held some money for David.

Q. How was that money given to you?

A. Well, It was enclosed in a manila—in brown manila paper. It was about so long (indicating), about so wide (indicating), and about that thick (indicating). It had string around it and possibly some scotch tape on the ends.

The Court: Are you describing the paper or are you describing the package as it was wrapped?

The Witness: I am describing the package as it was wrapped.

Q. What did you do with that package after you received it?

A. I took it home and I hid it in a hassock that I have, and I left it there.

Q. Do you still have the package in the hassock?

A. No, I don't.

Q. Will you tell me what you did with the package after you put it in the hassock?

A. Well, the—about two in the morning the night after David was arrested, he phoned me and asked me to engage his attorney, Mr. Rogge.

The following morning I went to Mr. Rogge and I [fol. 1145] explained to him that Dave was in trouble, that he had been picked up by the FBI and—well, I gave him as much information as I knew at the time.

Mr. Rogge went down to see Dave and when he got back he said that David informed me to give him the package, which I did.

Q. Now to whom did you give the package?
A. I gave the package to Mr. Fabricant and Miss Pegano, his secretary.

The Court: Mr. Fabricant is a partner of Mr. Rogge?
The Witness: That is correct.

Q. I show you Government's Exhibit 10 in evidence and ask you if you recognize this exhibit (handing to witness)?
A. That's the package—that's the paper that the money was wrapped in.
Q. When did you turn this package over to Mr. Fabricant and Miss Pegano?
A. The same day, on the morning that David called me up—that is, the following morning.

Mr. Kilsheimer: You may cross-examine.
Mr. E. H. Bloch: I just want to ask him one question.

Cross examination.

By Mr. E. H. Bloch:

Q. Can you tell us exactly the day that you received [fol. 1146] this package which you just identified here, Government's Exhibit 10 (indicating)——
A. No, I can't.
Q. Let me finish the question, then you can answer.
A. All right.
Q. —from your brother-in-law, David Greenglass?
A. No.
Q. You can't?
A. No, I can't.
Q. You said it was about a week before his arrest, is that your best recollection?
A. Yes. It might be a little more——

The Court: Speak up, please.

A. It might be a little more, a little less. I can't actually recall.
Q. But it was in the early part of June 1950, is that correct?
A. That's correct.

Q. Now when you got this package you then took it to your home?

A. That is correct.

Q. And you secreted it in a hassock, did you say?

A. That's correct.

Q. Now just tell us the operation that you performed in the secretion of this money.

—. I merely took it and stuck it in the bottom of the hassock. There was nothing but a slight piece of paper. I took that off, put it in and closed that up.

Q. Maybe I am confused about what a hassock is. A has-
[fol. 1147] sock is an upholstered stool, isn't it?

A. That is correct.

Q. And isn't the hassock bound by leather or some other material?

A. That is correct.

Q. Did you tear off any of the material and stick the package in and then sew it up or attempt to make it look whole again?

A. No.

Q. Well, was this hassock that you are talking about stuffed with some material?

A. No, it wasn't.

Q. Well, will you describe to the Court and jury what kind of a hassock it was?

A. Well, we were under the impression when we bought it that it was stuffed with material but obviously when I opened it, it wasn't. It had nothing but lined cardboard inside.

Q. And could you turn it over and see open spaces?

A. No. If you took that piece of paper underneath away, you could, yes.

Q. So, in other words, there was a piece of paper on the bottom of the hassock which rested on the floor——

A. That is correct.

Q. —and then you tore off that piece of paper?

A. That's right.

Q. And then you put this package in it, and then what did you do? Did you paste the paper back again?

A. No, I didn't.

[fol. 1148] Q. Well, did you leave it open?

A. I may have put a piece of Scotch tape on it so when you moved the hassock, it didn't move.

Q. Now was it your intention at the time you put this package in this hassock to put it in a place where nobody would know where it was?

A. Of course.

Mr. E. H. Bloch: I think that is all.

Cross-examination.

By Mr. A. Bloch:

Q. Who was present when you received that package?

A. Pardon?

(Question read.)

A. I believe it was just David—I am not certain.

Q. Your sister-in-law was not present, was she?

A. I don't recall.

Q. Did you ever open the package?

A. Yes, I had occasion to open it once.

Q. Did you open it at the time you received it?

A. No, I didn't.

Q. When for the first time did you open it?

A. Well, It must have been a day or so later, Ruth asked me to give her a——

Q. No, I did not ask you——

Mr. Saypol: I ask that the witness be permitted to finish, your Honor.

Mr. A. Bloch: No, I do not want him——

[fol. 1149] The Court: All right, you just tell him when.

Mr. A. Bloch: Will you ask that question—will you repeat that question, Mr. Stenographer?

The Court: When did you open it? You understand the question.

The Witness: Yes. It was about a day or so later that I opened the package.

Q. And then you found for the first time that there was money in it?

A. That is correct.

Mr. A. Bloch: That is all.

The Court: Any redirect?
Any further cross?

(No response.)

Redirect examination.

By Mr. Kilsheimer:

Q. When you say you found for the first time there was money in the package when you opened it a day or two after you received it, that was the first time that you knew that of your own knowledge, is that right?
A. That is true.

Mr. Kilsheimer: That is all, your Honor.
The Court: All right, you are excused.

(Witness excused.)

The Court: Next witness.
The Clerk: Harry Gold.

[fol. 1150] Harry Gold, called as a witness on behalf of the Government, being first duly sworn, testified as follows:

Direct examination.

By Mr. Lane:

Q. Now Mr. Gold, the acoustics in this particular courtroom are not too good, so if you keep your voice up so that all the jurors can hear, it will help a great deal.
What is your occupation?
A. I am a biochemist.
Q. Now where were you born?
A. I was born in Berne, Switzerland.
Q. When?
A. On December 12th, 1910.
Q. When did you come to the United States?
A. I came to the United States in July of 1914.
Q. And did you come with your family?
A. Yes, I did.

Q. Now were you naturalized at some time subsequent?
A. Yes. I was naturalized on my father's papers in the year 1922.
Q. Do you have—is your father living?
A. Yes, he is.
Q. Is your mother living?

Mr. E. H. Bloch: If the Court please, has this any relevance to the issues in this case?
The Court: This is background. It is always proper in [fol. 1151] a case, within limits. The jury is entitled to know, and I am entitled to know, what type of a witness we are dealing with. We want to know something about him.
Mr. E. H. Bloch: All right, your Honor, I agree. The only reason I got up at this point is to follow, I hope, the Court's admonition that the trial not be strung out too long.
The Court: All right.
Mr. E. H. Bloch: That was the sole motivation, let me assure you.
The Court: Just remember that in cross-examination.
Mr. A. Bloch: I will try.

(Question read.)

A. No, she is not. My mother died in 1947.
Q. Do you have any brothers or sisters?
A. I have one brother.
Q. How old is your father?
A. My father is 75 years of age.
Q. And what is his occupation?
A. My father is a cabinet maker.
Q. And is he occupied at the present time?
A. My father is not working right now. He did work up until about six months ago.

[fol. 1152] Mr. E. H. Bloch: Now, if the Court pleases, now I object for a different reason. I object upon the ground that this background material is being elicited for the purposes of building up a sympathy with the witness and has no relation to the issues in this case. I am not saying that is the object of the prosecutor but I think that is the object of the effect.
The Court: Overruled.
Mr. E. H. Bloch: I respectfully except.

Q. Now will you briefly sketch your educational background?

A. I attended the public schools in Philadelphia and graduated from the South Philadelphia High School in the summer of 1928.

In 1930 I entered the University of Pennsylvania and left there about March of 1932.

From 1934 to '36 I was a student at Drexel Institute of Technology in the evening. I received the diploma in chemical engineering in June of 1936.

From 1938 to 1940 I attended Xavier University in Cincinnati, Ohio. I graduated from Xavier in June of 1940 and received the degree of Bachelor of Science, summa cum laude.

At various times from 1936 on, I took a number of specialized technical courses relating to the chemical field, [fol. 1153] and in addition I had a course in practical psychology.

Q. Now will you tell me something about your background of employment?

A. When I left high school in 19—in the summer of 1928, I was employed by a firm called Gifterafters—that is one word—a wood-working firm in Philadelphia. I left the Gifterafter firm in December of 1928 and began a period of employment with the Pennsylvania Sugar Company. I was employed by the Pennsylvania Sugar Company from January of 1929 over a period of 17 years up until February of 1946. This stretch was broken up on two occasions by [fol. 1154] leaves of absence so that I could go to college, and on one occasion in December of 1932 I was laid off.

Q. Now you are the Harry Gold, are you not, that is named as a co-conspirator in the indictment which is—in the indictment which includes the Rosenbergs and Sobell and Yakovlev?

A. Yes, I am.

Q. That is in the indictment in the instant case.

A. Yes.

Q. Now do you stand convicted of any crime?

A. Yes, I do.

Q. Of what crime?

A. I stand convicted of espionage.

Q. And in what court does that conviction stand of record?

A. That conviction stands in the Federal Court in Philadelphia, Pennsylvania.

Q. Do you recall the date?

A. I pleaded guilty to the charge of espionage on July 20th, 1950.

Q. Now what sort of espionage was it?

Mr. E. H. Bloch: I object to the question as too general, not binding upon these defendants.

The Court: I will have to sustain that.

By the Court:

Q. Was that indictment consummated by a sentence?

A. Yes, it was, your Honor.

Q. There is nothing left open now in that court?

[fol. 1155] A. There is nothing left open in that court, your Honor.

Q. So far as you know is there anything left open in this court with respect to a plea on your part or conviction?

A. There is nothing so far as I know, your Honor, that is left open in this court against me.

Q. So you will not come before any court any longer for any sentence, so far as you know?

A. So far as I know, your Honor, I shall not.

Q. What was the sentence that was imposed upon you in Philadelphia?

A. I was given a sentence of 30 years in the Federal Penitentiary.

The Court: Proceed.

By Mr. Lane:

Q. Do you know Anatoli Yakovlev?

A. Yes, I do.

Q. When for the first time did you meet Anatoli Yakovlev?

A. I met Anatoli Yakovlev in March 1944.

Q. Where did you meet him?

A. I met Yakovlev in New York City. It was on the north

side of 34th Street between Seventh and Eighth Avenue, and somewhat closer to Eighth Avenue. The exact spot was in front of the bar entrance of a Childs Restaurant.

The Court: What date did you say that was?

The Witness: That was March of 1944, your Honor.

[fol. 1156] The Court: All right.

Q. Now, did you have a conversation with Yakovlev at that time?

Mr. A. Bloch: One minute. I object to it on the ground that it is not within the time circumscribed by the indictment. The indictment is alleged to have begun in June 1944.

The Court: I suggest that you read the opinion of this Circuit Court in United States v. Dennis, et al. which deals with that subject directly.

Your objection is overruled.

Mr. A. Bloch: Exception.

(Question read.)

A. Yes, I did.

Q. And as a result of that conversation what did you do?

A. I continued in my espionage work for the Soviet Union with——

Mr. E. H. Bloch: I——

A. —Anatoli——

Mr. E. H. Bloch: I am sorry but I have got to get up to object to this. I think it is damaging evidence, and I think it is incompetent, irrelevant and immaterial, and I believe that the witness is using conclusory words. I submit that this is not binding upon any of these defendants.

[fol. 1157] The Court: May I have the question?

(Question read.)

The Court: A conversation with Yakovlev, is that it?

Mr. Lane: That is correct, your Honor.

The Court: Yakovlev is named as a defendant and co-conspirator.

Mr. E. H. Bloch: I understand that. I direct your Honor's attention to the language——

The Court: Well——

Mr. E. H. Bloch: —to the language that he used.

The Court: Well, I can't deal with that at this point.

Mr. E. H. Bloch: No, but the point is this: Is this the conversation or is this, as I understood it, what the witness is stating to be the fact in narrative form?

The Court: He is telling you what he did as the result of a conversation with Yakovlev.

Mr. E. H. Bloch: That is right.

The Court: The objection is overruled.

Mr. E. H. Bloch: I respectfully except.

[fol. 1158] (Paper marked Government's Exhibit 11 for identification.)

Mr. E. H. Bloch: I object further, if the Court please, upon the ground that no proper foundation has been laid for the introduction of the phrase "continuing espionage for the Soviet Union", and I ask that the answer be stricken out.

Mr. Lane: If the Court please, we will connect that very shortly.

The Court: All right.

Mr. E. H. Bloch: And I think that is the proper way to do it, your Honor.

The Court: All right. Why don't you go to it, Mr. Lane.

Q. Now I show you Government's Exhibit 11 for identification and ask you if you recognize the man depicted in the picture?

A. Anatoli Yakovlev.

Q. Now, for how long a period of time did you work with Yakovlev?

The Court: Are you introducing that?

Mr. Lane: Not yet, your Honor.

A. I worked with Yakovlev for a period of almost three years. From March of 1944 until late December 1946.

Mr. Lane: Now I offer Government's Exhibit 11 for identification in evidence.

[fol. 1159] Mr. E. H. Bloch: No objection.

(Government's Exhibit 11 for identification received in evidence.)

The Court: Show it to the Jury.

Q. Now, did you have several conversations with Yakovlev after the middle of June 1944?

A. Yes, I did.

Q. And in any of those conversations did Yakovlev identify himself to you?

A. No, he did not. I knew Yakovlev only——

Mr. E. H. Bloch: I move to strike out everything after he did not, on the ground the witness has fully answered.

The Court: All right. He didn't identify himself to you. Very well. Did you know the identity of Yakovlev?

The Witness: I knew Yakovlev only—I didn't know him as Yakovlev, your Honor.

Q. What name did you know him by?

A. I knew Yakovlev as John.

Q. Now, for how long a period were you engaged in Soviet activities?

Mr. E. H. Bloch: I object to the form of the question on the ground that it presupposes a state of facts not proven.

The Court: On that ground I will overrule it. The wit- [fol. 1160] ness knows.

By the Court:

Q. Do you know of your own knowledge whether or not you were engaged in Soviet espionage work?

Mr. E. H. Bloch: I object to the Court's question.

The Court: Overruled.

Mr. A. Bloch: May I state the ground of my objection?

The Court: Is it a ground other than the one urged by Mr. Bloch, Jr.?

Mr. A. Bloch: It is.

The Court: I will hear it.

Mr. A. Bloch: I object to the term "Soviet activities" as being too general and may elicit answers which are entirely impertinent and incompetent to this issue. Soviet activities——

The Court: My question merely calls for a yes or no answer. So it couldn't elicit any general or any great statement from the witness.

Mr. A. Bloch: Except that it introduces a topic that is too general and should not in my opinion, in my humble opinion, be mentioned unless there is some proof offered as to what activities are referred to .

The Court: The objection is overruled.

Mr. E. H. Bloch: I respectfully except.

[fol. 1161] Mr. A. Bloch: I except.

(Last question read.)

A. I was engaged in espionage work for the Soviet Union from the spring of 1935 up until the time of my arrest while I was working at the heart station of the Philadelphia Hospital. This arrest took place in May.

Mr. E. H. Bloch: If the Court please, I move to strike out that part of the answer in which the words "Soviet espionage" are used upon the same ground urged before in support of my argument——

The Court: Your motion is denied.

Mr. E. H. Bloch: (Continuing) —on the objection.

Mr. A. Bloch: I move to strike out that part of the answer which refers to the Soviet Union, as there is no proof adduced as to who the Soviet Union is, and how he knows it was the Soviet Union.

The Court: Your motion is denied.

Mr. A. Bloch: Exception.

Q. Now, during this period of time did you have superiors working with you?

A. Yes, I did.

Q. Who was your Soviet superior in June 1944?

Mr. E. H. Bloch: Pardon me. I don't want to get up. I just want it understood, your Honor, that I am objecting [fol. 1162] to this entire line of questioning in so far as the word Soviet, or Soviet Union, or Soviet espionage or Soviet activities are used.

The Court: Are you saying, Mr. Bloch, that you would rather have this witness tell you how he arrives at the conclusion that he was engaged in espionage work for the Soviet Union? Would you rather have that?

Mr. E. H. Bloch: Are you asking my personal opinion?

The Court: Yes. Is that what you are asking? Do I understand you are asking for that? You don't want the conclusion?

Mr. E. H. Bloch: May I respond to your Honor's question?

The Court: Well, I assume that you may.

Mr. E. H. Bloch: I want to do it.

The Court: Well then do it.

Mr. E. H. Bloch: I want to differentiate myself as a person, a personality from myself as acting as counsel for a defendant in a criminal case.

The Court: My question doesn't call for that type of reply. My question doesn't call for that.

Mr. E. H. Bloch: I say yes, your Honor. I believe that this defendant is entitled to competent proof on each and every essential allegation of the indictment and that is the [fol. 1163] reason——

The Court: In the interest of your client you prefer to have this man detail all of his Soviet work, is that right?

Mr. E. H. Bloch: No, I am not going to say——

The Court: Is that what you are asking?

Mr. E. H. Bloch: No. I am asking for a proper foundation to be laid from which the Court and jury may infer that this witness was engaged in what he characterizes——

The Court: Before I go ahead, I want to make certain that I understand what you are asking for. You therefore say that before this witness can give what you call conclusions——

Mr. E. H. Bloch: Yes.

The Court: That you would like to have from the witness the steps which he took which finally caused him to arrive at the conclusion which he testified to here in court today.

Mr. E. H. Bloch: Now if the Court please, before I respond to that, I want to have an opportunity to consult with co-counsel because there are many considerations involved, one of which may be the shortening——

The Court: Do you want to withhold your objection then for the time being or do you want to have your conference right now?

[fol. 1164] Mr. E. H. Bloch: May we have it now?

The Court: Go ahead.

Mr. E. H. Bloch: We will try to make it as brief as possible.

(Conference among defense counsel.)

Mr. E. H. Bloch: I have an answer for your Honor. Counsel for the defendants are unanimous in demanding competent proof on each and every essential element of the crime, including the particular subject matter with which we were engaged in discussion.

The Court: Well, you can give us now, Mr. Gold, in view of the request made by counsel for the defendants, just the steps that you took which you say led you to believe that you were engaged in espionage for the Soviet Union.

Mr. E. H. Bloch: Well, if the Court please, in connection with the Court's formulation, you say "which led you to believe".

The Court: That is correct.

Mr. E. H. Bloch: What we are insisting upon is the demonstration and proof of facts, not the state of mind of the witness.

The Court: Yes. You just give the facts which led you to believe that you were engaged in Soviet espionage.

[fol. 1165] Mr. Kuntz: Wait a minute. May I object to the portion of your Honor's question, in view of the fact that a conference was held on this line. I think if the stenographer will read it, that you put a preamble to your question, in which you said in substance "Will you give us what counsel wants", and I ask that that be read now so that I can formulate my objection.

The Court: Yes, and I want you to understand that it is being done because you have requested it. If you would have objected to this, I would have sustained your objection to giving these steps, because there may be some question of prejudice, but in view of the fact that you have asked for it, I want the record to be clear that you objected to conclusions, you wanted to have each and every step which led to that conclusion, and in view of that objection and in view of your conference and in view of the statement made by Mr. Bloch on behalf of all counsel, I understand that counsel are asking for the steps which led to the conclusion.

Mr. Kuntz: May I respectfully ask that your Honor's remarks be stricken from the record?

The Court: Oh, no.

Mr. Kuntz: May I ask?

The Court: I say no, it won't be stricken.

Mr. Kuntz: No, may I ask that it be stricken?

[fol. 1166] The Court: You have asked it, haven't you?

Mr. Kuntz: All right.

Now, I state again, if your Honor please, for this record, that counsel—I have not heard Mr. Bloch or any counsel engaged in the trial in this case for the defendants, asking Mr. Gold for anything, not for a single solitary item. All I heard——

The Court: That is true. They didn't ask Mr. Gold. They addressed their remarks to the Court.

Mr. Kuntz: I did not hear any remark addressed, to the Court, asking for anything from this witness. All I heard was, and all that I will participate in, is objections to what may be incompetent evidence or conclusory evidence, any evidence to which we think we are entitled to object. That is all I heard so far. Then I have a record here in which it appears that counsel somewhere requested certain information from this witness we did not call.

The Court: Mr. Kuntz——

Mr. Kuntz: May I finish my argument?

The Court: Mr. Kuntz, no, you may not. It is a lot of gibberish. As I understand what you are saying you are saying that there was an objection to the conclusion. That was the objection. That is the legal objection. That is a good legal objection.

[fol. 1167] Mr. Kuntz: That is correct.

The Court: The way to overcome an objection to a conclusion is to have a witness testify to the facts. That is what I understand is the way to overcome an objection to a conclusion. In view of the particular subject matter that is involved here, I hesitated to have the witness proceed with testimony on the facts until all counsel understood what might come out as a result of it. That is the way the record stands right now.

Mr. Kuntz: May I respond?

The Court: Yes.

Mr. Kuntz: I have been on this side of the table for a number of years, if your Honor please, and as I understand this, not as your Honor has stated it, that when an objection

is made to a question because it calls for a conclusion, if that objection is well taken, the Court usually says "objection sustained", and then I think another question is put to the witness. If that other question, whatever it might ask for, is also objectionable, I usually get up and object to it.

The Court: Very well, the Court saved you time.

Mr. Kuntz: May I——

The Court: The Court put that question.

Mr. Kuntz: May I——

[fol. 1167a] The Court: No, the Court put that question, Mr. Kuntz, and don't give me any course of instruction as to what is usually done in a courtroom. This is the way I am running this courtroom, Mr. Kuntz, and I think I understand the way a courtroom should be run. I don't care to hear anything further from you. Your objection is noted.

Mr. Kuntz: Thank you.

[fol. 1168] The Court: Now, Mr. Bloch, I ask you, shall the witness now detail steps that led to the conclusion?

Mr. E. H. Bloch: I hope your Honor will not put the burden upon me, so that anything I may say may be inferred as a waiver of any legal objections. I certainly follow the Court's line of thinking and I understand that the Court feels that a question calling for a conclusion is improper, and an objection made is a valid one.

Now, I think what the Court is doing is to have the witness state facts from which the Court or the jury may infer the ultimate fact, as to whether or not this defendant——

The Court: That is correct.

Mr. E. H. Bloch: All right. Now, all that I am saying, if the Court please, is that the question that I think your Honor propounded just now, the last one that you propounded to the jury, I think that question is objectionable, for the sole reason—I am going to even limit it—for the sole reason that what the Court is asking this witness is the facts from which he had reason to believe that he was engaging in espionage. Now I submit that what is proper is to find out whether in fact he did, not whether he believed he did. I think it is for the jury to infer whether he did or not, not [fol. 1169] whether the witness believed he did. Do I make myself clear?

The Court: Yes, you make yourself clear, but I don't

think you are correct, because the witness is the one who said that he was engaged in it. You took an objection.

Mr. E. H. Bloch: That is correct.

The Court: You took an objection, because you objected to his conclusion that he believed that he was engaged in it, so now he is going to give you the facts which made him make up his mind that he was engaged in it.

Mr. E. H. Bloch: May I just, not retort, but make this statement in addition: The indictment charges that these defendants conspired to transmit information to the advantage of a foreign power. Now I am assuming that this line of questions by the prosecution is to elicit that there was a foreign power involved, and I believe that is a substantial fact that must be proved.

Now, in my estimation, if the Court please, it is the fact as to whether or not a foreign power is involved, that determines the relevancy of the information that is sought to be elicited here, and not whether or not this witness had reason [fol. 1170] to believe that a foreign power is being involved, and I hope now I have myself a little clearer in my thoughts about the reason for my objection.

The Court: I think you have gone round the table, and the net result——

Mr. E. H. Bloch: Maybe I have been peripatetic, but I hope I have covered it as fully as I can.

Mr. Lane: If the Court please, I think perhaps we can simplify this a little bit by my withdrawing my question and I will come back to it a little later, with the Court's permission, and I think perhaps in that way we may be able to obviate Mr. Bloch's objection.

The Court: All right.

The fact of the matter is that you did plead guilty to an indictment charging you with espionage for the Soviet Government; is that correct?

The Witness: That is correct, your Honor.

The Court: All right.

By Mr. Lane:

Q. Now, you have identified the picture of Yakovlev; now will you give a description of Yakovlev?

A. Yakovlev was about 23 or 30 years of age at the time

I knew him. He was about 5 feet 9 inches in height; had a medium build, which tended toward the slender. He had [fol. 1171] dark or dark brown hair and there was a lock of it that kept falling over his forehead, which he would brush back continually. He had a rather long nose and a fair complexion, dark eyes. He walked with somewhat of a stoop.

Q. Now, you say you had a conversation with him at this meeting which was, I believe, in March of 1944, and that took place *of* Child's Restaurant on Eighth Avenue?

A. Yes.

Q. Now, as a result of that conversation what did you do?

A. As a result of that conversation I continued my espionage work for the Soviet Union, with Yakovlev as my new Soviet superior.

Mr. E. H. Bloch: Now, if the Court please, I am rising to renew my objection to the use of these charmed words, or words of art, as it were, "Soviet espionage".

The Court: Don't characterize it.

Mr. E. H. Bloch: I am sorry.

The Court: "Those charmed words".

Mr. E. H. Bloch: I am sorry, the specific words, the specific words used in the context in which this witness is using them.

The Court: Your objection is overruled.

Mr. E. H. Bloch. Yes. As I said before, your Honor, I [fol. 1172] don't want to get up every time he uses these words to state my objection for the record.

The Court: All right. You see, you are going to destroy all the good you want to do by making a long speech with these objections.

Mr. E. H. Bloch: All right, I am sorry.

Q. Now, did you meet Klaus Fuchs, Dr. Klaus Fuchs, sime time in the middle of June 1944?

A. Yes, I did.

Q. Where did you meet Fuchs?

A. I met Fuchs in Woodside, Queens.

Q. Did you have a conversation with Fuchs at this time?

A. Yes, I did.

Q. As a result of that conversation what did you do?

Mr. E. H. Bloch: If the Court please, I submit that there is still no connection that I have heard of between Dr. Fuchs and any of the defendants, including the defendant Yakovlev.

Mr. Lane: Well, I offer it subject to connection, your Honor.

Mr. E. H. Bloch: Oh, I see. May I note my objection?

The Court: You have noted it. It is being taken subject to connection.

[fol. 1173] The Witness: Shall I answer?

Mr. Lane: May we have the answer?

The Court: Yes.

A. As a result of my meeting with Dr. Fuchs in Woodside, in the middle of June, I wrote a report, which I turned over to Yakovlev.

Q. Where did you turn this report over to Yakovlev? And when?

A. This report was turned over to Yakovlev about a week or so after my meeting with Dr. Fuchs. The place was somewhere in New York.

Q. That was in June of 1944; is that correct?

A. That is correct; the middle of June.

Q. Did you have a conversation with Yakovlev at this time?

A. Yes, I did.

Q. Will you tell the jury what that conversation was, as best you can recall?

A. I told Yakovlev—I told Yakolev that the next time I met Fuchs, Fuchs was going to give me information. This information was to relate to the application of nuclear fission to the production of a military weapon. I gave Yakovlev the exact place where this meeting was scheduled.

Q. Was that the complete conversation? Did you tell him anything else, that you can recall?

A. That was the complete conversation that I can recall.

[fol. 1173a] Q. Now, did you have a meeting with Fuchs after that, in July 1944, at 96th Street and Central Park?

A. I had a meeting with Fuchs in June of '44, late in June of '44.

[fol. 1174] Q. And where was this meeting?

A. The meeting with Fuchs occurred in the area of Borough Hall in Brooklyn.

Q. Did you have a conversation with Fuchs at that time?

A. We had no conversation at all.

Q. Well, what was the result of that meeting with Fuchs? What did you do as the result of that meeting with Fuchs?

—. As a consequence of the meeting I had with Dr. Fuchs at Borough Hall I turned over to Yakovlev some few minutes after my meeting with Fuchs and still in the area of Borough Hall, I turned over to Yakovlev a package of papers.

Q. Now, did you have another meeting with Fuchs in July of 1944?

A. I had a meeting with Dr. Fuchs in the middle of July 1944.

Q. Now, where did this meeting take place and approximately what time of the day or night?

A. This meeting took place at 96th Street, about 96th Street and Central Park West. The time was the early evening.

Q. And how long approximately did this meeting last?

A. The meeting lasted about an hour and a half.

Q. And did you have a conversation with him during that time?

A. Yes, I had a conversation with Dr. Fuchs.

Q. And as the result of that conversation what did you [fol. 1175] do?

—. As the result of the conversation I had with Dr. Fuchs I turned over to Yakovlev a report which I had written.

Q. Now, when did you turn over that report to Yakovlev and where?

A. The report to Yakovlev was turned over in New York City and occurred about a week or so after my meeting with Dr. Fuchs.

Q. Now, what did this report contain that you turned over to Yakovlev, do you know?

A. Yes, I do.

Q. What did it contain?

Mr. A. Bloch: I object to it upon the ground that it is incompetent, irrelevant and immaterial and hearsay against these defendants and not the best evidence.

The Court: What about that?

Mr. Lane: Well, your Honor, Yakovlev is one of the co-defendants in the case.

The Court: Yes.

Mr. Lane: The witness here is a co-conspirator.

The Court: Yes.

Mr. Lane: The witness read the report. He knew the contents of the report and he turned it over to Yakovlev, but I will withdraw the question, your Honor, and I will ask the witness if he had a conversation with Yakovlev on this particular occasion.

The Witness: Yes, I did.

[fol. 1176] Q. And what was the conversation?

A. The conversation had to do with the fact that Fuchs had given me further information on the progress of the working going on in New York by a joint American and British project, which project was aimed at producing an atomic bomb. The work was going on somewhere in the area of Church Street, New York.

The Court: This is in July of 1944?

The Witness: Yes. It is the middle of July 1944.

Q. Now, during this period when you were meeting Dr. Fuchs were you also meeting Yakovlev at regular intervals?

A. During this period I had a regularly scheduled series of meetings with Yakovlev. Yakovlev continually advised and instructed me and we talked over together as to how I should continue my work with Dr. Fuchs.

Q. Now, did you have any particular modus operandi in your connections, in your work with Yakovlev?

A. Yes, I did.

Q. Would you tell the jury, would you relate the details of that?

Mr. E. H. Bloch: Do I understand that this is pursuant to the directions——

Mr. Lane: Pursuant to a conversation I believe with [fol. 1177] Yakovlev.

A. I worked in the following manner with Yakovlev: My duties were to obtain information from a number of sources in America and to transfer this information to

Yakovlev. The meetings with the sources of information in America were effected in two ways: First, it could be personal introduction; secondly, there was an introduction which was effected only between the American contact and myself and was effected by means of a set of recognition signals. Now these signals included at least two features: One of them was that there was always an object or a piece of paper involved, on one part or the other or possibly on both parts; that is the other person in America and myself. In addition there was a code phrase used and this phrase was usually used in the form of a greeting. In all cases when I introduced myself I used a false name and in all cases I never indicated my true place of residence.

Now, once the introduction had been effected I proceeded to work; I conducted myself in the following manner: I give the source of information in America whoever that person was who was going to furnish me the information—I give him a list of the data or material which was desired; secondly, in case there had been a Soviet agent who had preceded me, I would take steps so that the source of informa-[fol. 1178] tion, that the person with whom I was working would first clean up all of the back work. Then thirdly, we would arrange for a series of meetings. These were very precise arrangements.

All of these people from whom I obtained information were not residents of Philadelphia. I had to go some distance usually to meet them. I would arrange for a meeting in the town where they lived or in some other town and the meeting would be for an exact time at an exact place and there would be an exact schedule for what was to be done during the meeting. In other words, if we were just going to discuss the possibility of obtaining certain types of information, the hazards involved, just how much information should be obtained, and just what source was needed, then a rather long meeting was scheduled. If I was going to actually get information, very usually a brief meeting was scheduled, the idea being to minimize the time of detection when information would be passed from the American to me. In addition to this I made payments of sums of money to some of the people whom I regularly contacted and always I wrote reports detailing ever-thing that happened

at every meeting with these people and these reports I turned over to Yakovlev.

[fol. 1179] By the Court:

Q. And where would you get the money from that you paid to some of these people for the information?

A. The money was given to me by Yakovlev.

(Paper marked Government's Exhibit 12 for identification.)

By Mr. Lane:

Q. Now I show you Government's Exhibit 12 for identification and I ask you if you can identify the person in that picture?

A. This is Dr. Klaus Fuchs.

Mr. Lane: I offer it in evidence (handing to counsel).

(Marked Government's Exhibit 12.)

The Court: Shall we suspend at this time, Mr. Lane?

Mr. Lane: I would like to, your Honor.

The Court: All right. You can take the exhibit back and show it to the jury again, Mr. Lane, upon resumption.

We will recess until 2.20.

(Recess to 2.20 P.M.)

[fol. 1180] Afternoon Session

(The following took place at the bench:)

The Court: Did you want to put something on the record?

Mr. Kuntz: I suppose you saw the newspapers. It is an unfortunate experience. We were wondering what effect it might have. I didn't know it until I got in the courtroom and Mannie Bloch showed it to me. It had a front page——

The Court: Well, this is off the record.

(Discussion off the record at the bench.)

(The following took place in open court:)